

“It depends who’s working.”



THE YOUTH REALITY AT THE ROY MCMURTRY YOUTH CENTRE

A report by the **Provincial Advocate**
for Children & Youth

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Problems identified by
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three years later

RMYC's well-intentioned
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in effective solutions
to problems

Executive Summary

When the Roy McMurtry Youth Centre (RMYC) opened its doors in 2009 to young people in conflict with the law, its promise was bold and ambitious: a state-of-the-art facility ready to hold youth accountable for their actions and support them to realize their potential. It was a place where instead of using “adult-style” approaches, staff would focus on relationships with youth and dawn-to-dusk programming would be standard. Rehabilitation and reintegration into the community—the backbone of the *Youth Criminal Justice Act*—was to be central to youth life at RMYC.

Within a few weeks, youth began contacting the Office of the Provincial Advocate for Children and Youth (Advocate’s Office) with complaints about safety and basic care at RMYC.

As the independent voice for children and youth in or on the margins of government care in Ontario, the Advocate’s Office responds to calls like these every day, working with young people to elevate their voices and promote action on their issues. In response to a request, a complaint, or on its own initiative, the Provincial Advocate acts on behalf of the concerns of children and youth, undertaking reviews, making recommendations and providing advice to governments, facilities, systems, agencies or service providers. At the time, the Advocate’s Office increased its presence at RMYC, meeting frequently with youth and raising concerns on their behalf with RMYC senior management. Among other

steps, the Advocate’s Office issued a report saying it would allow some time for RMYC to implement changes and that it would conduct a formal review in 2011.

“What is it like to live here?” was the first of many questions asked of youth at RMYC when the Advocate’s Office began its formal review of RMYC in March 2011. The Advocate’s Office interviewed 75 youth, ages 13 to 21, during the 2011 Review. Since that time, the Advocate’s Office has also met with, interviewed, and/or received complaints from over 200 youth at RMYC.

This report is the culmination of almost two years of contact with youth at RMYC. Throughout this time we have also had extensive and ongoing contact with RMYC senior management and the Ministry of Children and Youth Services (the Ministry) responsible for its operation.

As benchmarks to help measure and assess conditions at RMYC, the report turns to international standards, national and provincial legislation, and youth justice policies and procedures prescribed by the Ministry.

The Provincial Advocate issues this report to elevate the voices of youth at RMYC in order to bring about significant and sustainable changes to longstanding and problematic issues at RMYC.

Two major themes have emerged:

1 The problematic issues identified by youth at RMYC just after its opening in 2009 continue to be echoed by youth three years later.

A. Staff are the “makers or breakers” of youth experiences

“They [staff] take the officer part more seriously than the human part.”

The role of staff at RMYC cannot be understated—it underpins every aspect of youth life at the facility. The majority of youth in our 2011 Review reported positive relationships with frontline staff, readily identifying the skills and behaviours that show staff care. When asked more specific questions, a theme of “it depends who’s working” prefaced a significant number of youth answers. For many youth, there is a wide and unpredictable variation in how staff treat them. When conflicts arise at RMYC, youth responses indicate

that generally, staff rely on containment methods such as physical restraints and locking youth in their rooms, rather than using alternative strategies to de-escalate tension and solve problems, as promoted through the Ministry’s Relationship Custody model. Staff have been trained in the use of empathy, respect and engaging in positive interactions with youth, and while youth reports confirm that some staff are using these skills and cultivating positive relationships, other experiences detailed in this report suggest that Relationship Custody overall, has not taken a strong foothold at RMYC.

B. Tension and violence undercut youth life

“If you have a beef—and many enemies here—it is not safe.”

Throughout the 2011 Review and in subsequent youth calls and interviews, stories of violence persist. By any measure and description, the violence that youth first complained about at RMYC in 2009 continues to undercut youth life at RMYC in 2012. The story is complex; of the 60% of youth who initially reported feeling safe, 73% went on to describe situations where they experienced or witnessed violence.

- Staff who are not watchful enough and who do not intervene soon enough to defuse potentially violent incidents are part of the problem, youth say
- Youth do not trust staff enough to be able to tell them when they aren’t feeling safe

C. Intrusive procedures and excessive force seem to be used “too much”

“Seen staff smash kids’ heads on the floor and take them down hard.”

When it comes to managing violence and aggressive behaviour in youth justice facilities, there are times when staff use “extraordinary measures” including “intrusive procedures” such as searches, physical restraints, “lockdowns” and placing youth in secure isolation. In Ontario, these measures are regulated by the *Child and Family Services Act (CFSAct)* and are to be used when de-escalation strategies and other less intrusive approaches are not sufficient.

- 43% of youth reported being physically restrained by staff; nearly half of all youth interviewed commented on excessive use of force when staff physically restrained youth
- 38 youth who reported being placed in secure isolation, commented on dirty conditions and staff refusing to allow them to contact the Advocate’s Office, even though contact with the Advocate’s Office is a legislated right

D. Vital access to family and safeguards is undermined by problems

“You have to say why you want to call your mom.”

For youth held at RMYC, being able to connect with family is an essential lifeline. Telephone

calls and visits are the two primary ways youth can remain connected to life outside of RMYC. It is equally essential that safeguards be in place—such as an internal complaints process and access to a lawyer and the Advocate’s Office. Our 2011 Review found youth experienced a variety of problems across all of these areas, despite the protections mandated in legislation, and policies and procedures.

- Youth see little value in the internal complaints process because generally, “nothing changes”.
- A combination of family challenges (parents working on weekends) and RMYC rules (family visits only allowed on weekends) make visits difficult.
- Some staff ridicule youth for wanting to call the Advocate’s Office, saying, “You guys are pussies, go call the Advocate”.

E. Mixed story on food and basic care

“Keeps you alive, but never full.”

At different times, youth have been mainly satisfied with clothing, bedding and the health care they receive. The majority of youth are spending recreation time outdoors. RMYC is generally meeting legislated basic standards of care in these areas.

However, two issues which ought to be solvable—fulfilling food requirements and providing culturally appropriate hygiene products—have been problematic since RMYC opened. Some of these issues were flagged before its opening, but were

not addressed at the time. Instead, they became the subject of youth complaints for nearly three years. Some of these issues are exacerbated by RMYC rules which seem to contradict standards of basic care. When a youth is cold because of heating problems in the facility, despite RMYC senior management saying the standard of care is that no youth should be cold, youth report that RMYC staff say the rule is “a maximum of two blankets.”

F. Rehabilitation and reintegration—are youth getting what they need to succeed?

“. . . [they should] try to keep you from coming back.”

The *Youth Criminal Justice Act* is clear that planning for a young person’s release must begin the moment a youth enters a youth justice facility. This involves a plan that incorporates effective programming for successful rehabilitation and reintegration into the community; the plan must include the participation of the youth, his/her family, probation officer, as well as external community supports.

- Youth value school at RMYC.
- During the 2011 Review, the majority of youth were not in a program, were on a wait list, or the program had been cancelled. A recent review of programming showed that few programs are offered on a regular basis; there are also questions about relevance and effectiveness.

2 RMYC’s numerous and well-intentioned attempts to address many of these problems do not result in effective, sustainable solutions.

Instead, what has emerged since RMYC’s opening is a cycle of youth reporting a concern to the Advocate’s Office; RMYC applying a solution, seemingly not monitoring its implementation; followed by youth making more of the same or similar complaints—thus signalling that the original problem was not solved.

If sustainable changes are to take place at RMYC, all of RMYC’s well-intentioned efforts must be grounded in a system of checks, monitoring, youth feedback and follow-up to ensure that problems are being effectively addressed.

These problems can be solved. RMYC’s progress in some areas is testament to this, including recently implemented steps to improve the meal program and a new SET education program (Short-term Education Transition) designed to address the needs of youth who cannot attend the regular school within the facility. The Ministry

is undertaking province-wide reviews of the youth justice incentive system and programming; it has introduced a Detention Initiative to strengthen the case management process for youth and an anti-gang strategy program, which is being piloted at RMYC.

Nonetheless, despite these efforts and the professional skills and conduct of many staff, what youth experience every day at RMYC does not meet some of the basic standards and youth protections enshrined in legislation, policies and procedures¹. Neither does the typical youth experience appear to reflect the Ministry's vision and plans for youth at RMYC.

This report calls for significant changes at RMYC. While some of the changes should be "slam dunks"—decisive moves, quickly and easily accomplished—others can be achieved by building on the pockets of promise already in evidence at RMYC. Above all, RMYC needs to undertake an in-depth examination of its culture and operations, and change how it implements, supports and monitors intended improvements in order to achieve lasting solutions.

Recommendations

Youth ideas for what should change at RMYC guide many of the recommendations:

"Talk to us, tell us positive things, help us."

"All staff should have experience with youth."

"Talk in person rather than fill out forms."

"Be aware of situations and get there faster [to handle them]."

"Staff [should] stop provoking youth."

"Would like the ones [programs I] signed up for."

Given RMYC's difficulties in implementing and monitoring sustainable solutions to issues and problems affecting youth life, four years after its opening, the Roy McMurtry Youth Centre is at a crossroads.

We strongly recommend that RMYC—partnering with youth, external community stakeholders and RMYC staff—immediately establish an institution-wide approach to problem solving, including strong monitoring and enforcement.

Only then will RMYC be positioned to deliver on its promise and mandate to rehabilitate and reintegrate youth, fulfilling all relevant standards in legislation, policies and procedures.

A full set of recommendations is available on page 92.

The Provincial Advocate for Children and Youth is an independent voice for Ontario's children and youth in and on the margins of government care.

Reporting directly to the Legislature, the Provincial Advocate partners with children and youth, including those who are First Nations and those with special needs, to elevate their voices and promote action on their issues.

Guided by the principles of the *United Nations Convention on the Rights of the Child*, including the right to be heard, the Provincial Advocate strives to be a model of meaningful child and youth participation through all of its advocacy services. In response to a request, a complaint, or on its own initiative, the Provincial Advocate acts on behalf of the concerns of individuals or groups of children and youth, and can undertake reviews, make recommendations and provide advice to governments, facilities, systems, agencies or service providers.

Source: Provincial Advocate for Children and Youth Act, 2007

Introduction

It was a few weeks after the much-heralded Roy McMurtry Youth Centre (RMYC) opened in 2009 that the Office of the Provincial Advocate for Children and Youth (Advocate's Office) began to receive calls from youth about safety and basic care at the facility.

Directly operated by the Government of Ontario, through the Ministry of Children and Youth Services (the Ministry), RMYC was designed as a state-of-the-art facility intended to meet the distinct needs of young people. Yet, youth were calling to complain about violence, the amount and quality of food they were receiving, lack of programming, family visits being cancelled, and delays or denials of phone access to lawyers and the Advocate's Office; the latter mandated in legislation to listen to their concerns, elevate their voices and advocate on their behalf.

The purpose of this report is to elevate those voices once more—this time to help determine if youth at RMYC are being provided with “... the supports and opportunities needed ... to succeed and realize their full potential.” Given the ages of the young people—12 up to 18 years of age at the time of the offence/alleged offence—this youth justice approach was meant to distinguish itself from “adult-style” corrections. Focusing on rehabilitation and reintegration, RMYC staff are to hold youth accountable for their actions, while at the same time engaging and mentoring them

so that they leave RMYC, ready to assume their roles in society as contributing young adults.

Gathered through extensive interviews on site at RMYC and telephone calls to the Advocate's Office, the voices, views and experiences of youth are vital to this report, forming the foundation for the key themes and recommendations.

In addition, the standards regarding the rights of young people in the care of government services and the responsibilities of those services are presented as benchmarks along with information and statistics provided by the Ministry. “How this report was created” on page 13 provides more details.

As well, excerpts from several reports are highlighted to demonstrate the Ministry’s plans and reported achievements at RMYC along with a previous report written by the Advocate’s Office regarding the early problems identified at RMYC. These reports are briefly noted in a chronology of events, provided in the RMYC Timeline, on page 15.

This report tells two main stories:

First, the problems identified by youth at RMYC in 2009 are still being echoed more than three years later at the close of 2012.

Second, while RMYC has made numerous, well-intentioned attempts to address many of the problems, the efforts have generally not resulted in effective, sustainable solutions.

International rules such as the *United Nations Convention on the Rights of the Child* and the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* (see “Beijing

Rules” in appendix E) underpin our system of youth justice in Canada. Legislation at the federal (*Youth Criminal Justice Act*) and provincial (*Child and Family Services Act, Provincial Advocate for Children and Youth Act, 2007*) levels, as well as policies and procedures, dictate what youth justice facilities like RMYC can and cannot do.

While this report, by necessity, provides a comprehensive picture of legislation, policies and procedures, and the extent to which RMYC is meeting or failing these important standards, this is not a report about institutional rules and bureaucracy. This report is about youth life be-

hind the locked doors at RMYC and what youth say in relation to those rules and practices. What happens day-to-day has real and lasting effects on the experiences and futures of young people being held at the Roy McMurtry Youth Centre.

Is RMYC fulfilling its promise and meeting its obligations to young people and the Province of Ontario? Ultimately, any improvements and changes needed to ensure that young people leave RMYC better off than when they arrived, will be decided by RMYC and the Government of Ontario.

The **Advocate’s Office** recognizes international standards and principles, many of which underpin federal and provincial legislation in Canada. Some are listed here, with their connections to youth justice noted:

All children and young people have rights. Young people don’t lose their rights when they are in custody; there are added protections because they are being cared for by an institution.

All children and young people must be kept safe. Young people confined in institutions must be kept safe and are entitled to clean conditions, nourishing food, effective programming and other supports.

Children and young peoples’ “best interests” must be a primary consideration in all actions concerning them and their views must be considered and taken into account in all matters affecting them (*UNCRC*). When young people are held in custody, their best interests must be a priority.

Youth participation is a key driver in making changes affecting them. Engaging young people in any setting, including a youth justice facility, is good for their development and critical to making effective changes.

Rehabilitation is vitally important for youth. Because of their developing mental, emotional and physical capacities, involvement with the justice system represents a critical crossroad in their lives and has an impact on their futures.

The Juvenile Detention Alternatives Initiative (JDAI),

a respected, long-term initiative of the American Annie E. Casey Foundation, "has demonstrated that jurisdictions can safely reduce reliance on secure detention and generally strengthen their juvenile justice systems through a series of interrelated reform strategies"².

UNIT 4B EARLY BEDS

4 Easy ways to get an EBT:

(1) If residents are not in their room by assigned bedtimes, they are to receive automatic EARLY-BEDS.

Example- 930pm bed time, if your in room past that time, you will receive and EBT (931pm)

(2) If you do not complete daily chore when chores are going on, you WILL Receive and EBT

(3) Coming out during QUIET TIME, you WILL receive an EBT. (Washroom, getting paper or pencils). GET what you need before please.

(4) Bed is not made in morning before school, you WILL get an EBT.

ALL EARLY BED TIMES ARE 30mins earlier.

If you do not want to go to bed early, do what you got to do before these times. It's not hard.

****You rip the signs down, you also get an EBT****

Sign posted on wall at RMYC

Excerpts from the *JDAI Site Assessment Instrument* represent "best professional practices to protect the health, safety, and legal rights of detained youth" (p.1):

Positive Institutional Atmosphere

1. All persons in the facility are treated with respect. Written policies, procedures, and actual practices prohibit use of slurs, name-calling, and other disrespectful behavior by youth or staff.
2. Staff demonstrate an appropriate level of tolerance of normal adolescent behavior in their day-to-day working with youth.

Exercise, Recreation and Other Programming

Youth are out of their rooms except during sleeping hours and for brief periods of transition, such as shift changes. For the majority of time that youth are out of their rooms, they are participating with staff or volunteers in structured recreational, cultural, or educational activities. Youth are also provided with some unstructured free time as well.

Positive Behavior Management

To the extent possible, the culture of the institution emphasizes rewarding success in lieu of focusing on or punishing failure.

Voluntary Time Outs

Staff allow youth to have a voluntary time out for a short period of time at the youth's request. A voluntary

time out is defined as a youth choosing to remove him or herself from programming to "cool off"; the youth is allowed to return to programming automatically without needing staff permission.

Education

Youth in restricted, disciplinary, or high security units receive an education program comparable to youth in other units in the facility. For example, dropped off packets of work without adequate instruction, follow-up, or grading are not sufficient to meet this standard.

Restraints, Isolation, Due Process and Grievances

Staff follow a graduated set of interventions that avoid the use of physical force or mechanical restraints, employ a range of interventions or actions before using force or restraints, and permit only the amount of force needed to ensure the safety of the minor and others.

Written policies should prohibit hitting youth with a closed fist, kicking or striking youth; or using chokeholds or blows to the head.

Staff keep youth in isolation for the amount of time necessary for the youth to regain self control and no longer pose a threat. As soon as the youth's behavior ceases to threaten imminent harm to self or others or serious destructions of property, staff shall release the youth back to programming.

How this report was created

Youth voices are at the centre of this report. Fulfilling the mandate of the Office of the Provincial Advocate for Children and Youth, our guiding principle in developing this report was to elevate the voices of youth. The experiences and views of youth at RMYC form the foundation for the key themes and recommendations; their words are quoted extensively throughout the report.

Many of the youth voices come through in the Provincial Advocate's 2011 Review of RMYC (2011 Review), which is highlighted along with subsequent developments and recent updates (as of December 2012). The report is intended to provide a detailed picture of youth life at RMYC, as well as a view of the extent to which RMYC is satisfying its mandate.

The 2011 Review. Known as a "systemic review," the 2011 Review was conducted under the terms of the *Provincial Advocate for Children and Youth Act, 2007*. "On behalf of children and youth," the Provincial Advocate is empowered to conduct reviews of "facilities, systems, agencies, service providers and processes." A systemic review can occur at any time and notice must be provided to the Minister (or head of the agency affected) of the intention to conduct the review.

In the case of RMYC, the 2011 Review involved meeting with and interviewing 75 youth on site at RMYC and documenting their answers to a wide range of questions about life at the facility. Youth often accompanied their answers with additional comments which were noted verbatim.

A review is not an investigation, nor is it a formal research study. A review focuses on gathering information from the young people directly involved, as well as obtaining, reviewing and analyzing information provided by the facility and/or ministry, and legislation, research and other reports. More detailed information is available in Appendix B: 2011 Review - Process and Methodology.

What has happened since the 2011 Review? After the 2011 Review was completed, the Advocate's Office continued to hear from youth at RMYC. Their concerns, questions and complaints are reflected along with our meetings and discussions with RMYC senior management aimed at addressing the issues arising during and following the 2011 Review.

Key sources of information:

1. Youth detained at RMYC during the period of spring 2011 to fall 2012. We used three primary means to learn about youth experiences at RMYC during this time:

- Extensive interviews conducted with 75 youth at RMYC during the 2011 Review.
- 178 phone calls made by youth at RMYC to the Advocate's Office, after the 2011 Review was completed and up until fall 2012.
- Interviews conducted with 38 youth at RMYC in the fall of 2012; these interviews were prompted by youth complaints concerning experiences in secure isolation; youth also raised other issues during the course of these interviews.

2. Information provided by RMYC and Ministry of Children and Youth Services. Before, during and following the 2011 Review, the Advocate's Office requested and received extensive written information directly from RMYC and/or the Ministry of Children and Youth Services, such as the Ministry's *Youth Justice Services Manual* and Ministry documents relating to the implementation of the "Relationship Custody" approach to staff-youth relations at Ontario youth justice facilities. Specific to RMYC, the following information was provided: information on code blue alerts; staff-youth ratio; teacher-student ratio at the on-site school; information provided to youth during the intake process; policies regarding the use of phones, family visits and access to family; daily population counts and selected youth demographics for the period of the Review; per diem costs (costs per youth, per day to reside at RMYC); annualized budget; weekly menus; and information regarding programming.

3. Ongoing contact with RMYC senior management. Since the opening of the facility, the Advocate's Office has had and continues to have extensive and ongoing contact with RMYC senior management. In addition to regular telephone and email contact, the Advocate's Office meets monthly with RMYC senior management.

4. Legislation, standards and research including federal and provincial legislation; international standards; published reports; and research on youth and youth justice issues. This information is provided adjacent to each section.

5. Key announcements and reports about RMYC including Ministry announcements and plans (*Action Plan: Helping Youth Realize Their Potential at the Roy McMurtry Youth Centre*), accomplishments (*RMYC Action Plan Achievements April 1, 2010 – October 31, 2010*); and the first report prepared by the Advocate's Office on RMYC (*Provincial Advocate's 2010 RMYC Report*).

More detailed background information regarding youth justice and the opening of RMYC is available in Appendix A: Backgrounder – Youth Justice, RMYC and Early Youth Complaints.

Excerpts of national and international rules regarding youth rehabilitation and reintegration are available in Appendix E: Rehabilitation and Reintegration – Provincial, National and International Rules.

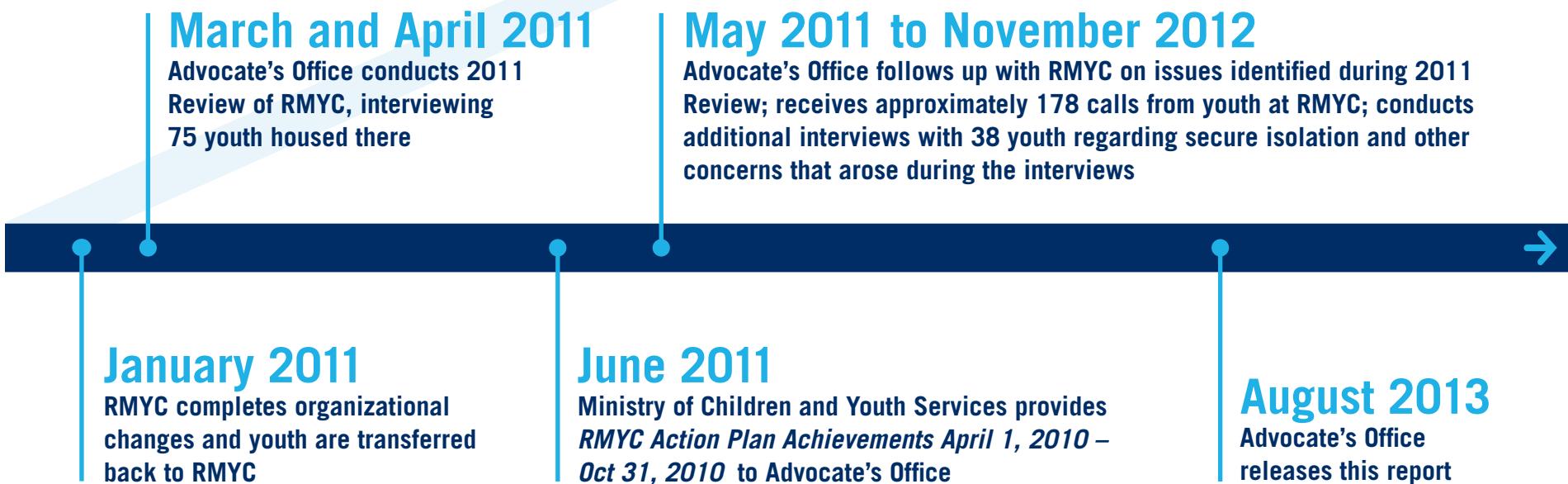
RMYC Fast Facts

- **Opened in 2009, RMYC is an innovative “campus-style” 22,000 sq. ft. youth justice facility on 77 acres, with a high school, sports fields, running tracks, multi-faith spiritual and religious centre and a courtyard on each living unit.**
- **192-bed capacity (160 males and 32 females), housing youth 12 up to 18 years of age at the time the offence was committed.**
- **As with all Ontario youth justice facilities, RMYC's purpose is to hold youth accountable for their actions, while, through a range of programs and activities, help them reintegrate and succeed in the community.**
- **Most youth at RMYC are “in detention” (they are being held at the facility while awaiting trial). The remaining youth at RMYC are serving sentences (as per the *Youth Criminal Justice Act (YCJA)*). According to statistics provided by the Ministry of Children and Youth Services, on average, males stayed 25.5 days and females stayed 16.5 days, during the period of January 1, 2011 to April 30, 2011.**
- **Directly operated by the Ontario Ministry of Children and Youth Services (some Ontario youth justice facilities are operated by independent “transfer payment agencies”), RMYC adheres to the legislation and policies of the *Youth Criminal Justice Act (YCJA)*, the *Child and Family Services Act (CDSA)*, the *Provincial Advocate for Children and Youth Act, 2007* and the Ministry of Children and Youth Services Youth Justice Services Manual.**
- **RMYC employs approximately 350 employees (full-time equivalent), including 200 youth services officers and 40 youth services managers. Other staff include nurses, social workers, psychologists, kitchen staff, maintenance workers and administrative staff. Part-time and/or occasional staff are also employed at RMYC and are referred to by youth as “casual” staff.**



RMYC Timeline

For a more detailed history of RMYC and the involvement of the Office of the Provincial Advocate, please see Appendix A.



Who are the youth at RMYC?

At the time of the 2011 Review, there were 93 youth being held at RMYC. Each of the youth was asked if he or she wished to participate in the Review; 75 youth agreed and 18 youth declined.

Of the 75 young people who agreed to be interviewed, 63 were male and 12 were female. The majority were 17 years old, with the youngest aged 13 and the oldest aged 21. The youth reported staying at RMYC for an average of 110 days.

According to statistics received from the Ministry of Children and Youth Services, the following ethno-racial groups are represented in the youth population at RMYC: “Aboriginal, Black, East Asian, Hispanic, South Asian, Southeast Asian West Asian/Arabic, White, Other, Unknown.” While there

are challenges associated with collecting and presenting such data, provided below is the ethnicity and gender information, with Ministry cautions noted.

While 3.9% of Ontario’s overall population is made up of people who are black³, according to these numbers, between January and April 2011, black male youth comprised 38% of the residents. This figure is not static: observations made by the staff of the Advocate’s Office during visits to RMYC both during and following the 2011 Review indicate that black male youth make up the majority of youth housed at RMYC⁴.

Admissions to RMYC by Gender and Ethnicity: January through April 2011⁵

Gender	Black	White	“Other” & “Unknown”	“Redacted”†	Total Number Admissions
Males	123	54	46	# Not Provided	321
Females	13	48	7		
Total	136	102	53		

[†] Information in chart redacted by MCYS

Source: Data provided by Ministry of Children and Youth Services

Rights of Young Persons in Care

Source: Youth Justice Services Manual, Section 4.2

Concerns or Complaints (CFSA Reg.70, s.83)

Upon admission, young persons in care have the right to be informed of the procedures that exist to express concerns or complaints, including Internal Complaint and Review Procedures (CFSA, s. 109 - 110); the Custody Review Board (CFSA s. 96); the Ombudsman; and the Office of the Provincial Advocate for Children and Youth.

Office of the Provincial Advocate for Children and Youth (CFSA s.108(c)) A young person in care has a right to be informed of the existence of the Office of the Provincial Advocate for Children and Youth.

Young Person's Responsibilities (CFSA, s.108(f))

A young person in care has the right to be informed of their responsibilities while in the custody/detention facility.

Rules and Disciplinary Practices (CFSA, s.108(g))

Upon admission, a young person has the right to be informed of the rules governing the day-to-day operation of the custody/detention facility, including disciplinary procedures.

Right to Receive Appropriate Nutrition (CFSA, s. 105(2)(b))

A young person in care has the right to receive well-balanced meals of good quality that are appropriate for the young person.

Right to Appropriate Clothing (CFSA, s.105(2)(c))

A young person in care has the right to be provided with clothing that is of good quality and appropriate for the young person, given the youth's size and activities and prevailing weather conditions.

Right to Receive Medical and Dental Care (CFSA, s. 105(2)(d), s.106)

A young person in care has the right to receive medical and dental care at regular intervals and whenever required, in a community setting whenever possible. Subject to certain restrictions (CFSA, s.106), the parent of a young person retains any right(s) he/she may have to give or refuse consent to medical treatment for the young person.

Right to Receive and Participate in an Appropriate Education, Training or Work Program (CFSA, s. 105(2)(e)) A young person in care has the right to receive and participate in an education, training or work program that corresponds to his/her aptitudes and abilities, in a community setting whenever possible.

Right to Participate in Recreational Activities (CFSA, s.105(2)(f))

A young person in care has the right to participate in recreational and athletic activities that are appropriate for the young person's aptitudes and interest, in a community setting whenever possible.

Right to Privacy of Mail (CFSA, s.103(1)(c)) A young person in care has the right to send and receive mail that is not read, examined or censored by another person. (Note: This right is modified, in different ways, by s.103(3) of the CFSA).

Right to Religious Practice (CFSA, s 104(b))

A young person in care has the right to receive religious instruction and participate in the religious activities of his/her choice, subject to parental direction.

Right to Privacy (CFSA, s.104(a)) A young person in care has a right to reasonable privacy.

Right to Personal Property (CFSA, s. 104(a)) A young person in care has the right to possess his/her own personal property

Right to Visits with Family (CFSA, s.103(1)(a)) A young person in care has the right to speak in private with, visit and receive visits from members of his or her family (unless the child is a Crown ward).

Rights of Communication (CFSA, s.103(1)(b))

A young person in care has the right to speak in private with and receive visits from: their lawyer; any person representing the young person, including an advocate for the child appointed by the Office of the Provincial Advocate for Children and Youth; the Ombudsman; a member of the Legislative Assembly of Ontario or of the Parliament of Canada.

Right to a Plan of Care/Reintegration Plan (CFSA, s.105(1)) A young person in care has the right to a plan of care/reintegration plan designed to meet the young person's particular needs and to participate in its development and in any changes made to it.

Freedom from Corporal Punishment (CFSA, s.101)

No service provider shall inflict corporal punishment on a young person or allow corporal punishment to be inflicted on a young person in the course of the provision of service to the young person.

1

Problems identified by
youth at RMYC in 2009
continue to be echoed
three years later



A

Staff are the “makers or breakers” of youth experiences

- B** Tension and violence undercut youth life
- C** Intrusive procedures and excessive force seem to be used “too much”
- D** Vital access to family and safeguards is undermined by problems
- E** Mixed story on food and basic care
- F** Rehabilitation and reintegration— are youth getting what they need to succeed?

“It depends who’s working.”

Staff play a pivotal role in defining youth life at RMYC. Beyond providing secure supervision and a safe environment, the Ministry of Children and Youth Services charges staff with being coaches and role models, good listeners and mediators, committed to working with youth who have complex needs and to building positive relationships with them. Staff must be keenly aware of the youth justice system’s emphasis on—and their role in—the rehabilitation and reintegration of youth back into the community.

Despite the Ministry’s aspirations, staff issues have been apparent at RMYC since its opening in 2009. The *Provincial Advocate’s 2010 RMYC Report* was published in response to numerous calls and complaints from youth at RMYC concerning staff and staff-youth relations. At the time, several RMYC staff echoed youth concerns about low staffing levels and safety. The *Advocate’s 2010 RMYC Report* stated, “There is a struggle taking place within the facility for the metaphorical soul of RMYC. This struggle is characterized at all levels by those comfortable with a traditional ‘corrections’ approach and those searching for a ‘relationship custody’ approach”⁶.

Later in 2010, the Ministry reported that it had hired 48 additional RMYC staff and had provided enhanced training in Relationship Custody. The Ministry defines Relationship Custody as, “a philosophy that encourages and empowers staff at all levels of the organization to foster a positive and professional relationship with youth in their care”⁷. Critical to the use of Relationship Custody is the balance of dynamic (the professional, positive relationships between youth and staff) and static (physical barriers and surveillance) security approaches. Other elements of Relationship Custody include:

- Starts from a premise that all youth have strengths and the role of staff is to reinforce those strengths
- Recognizes the diversity of youth
- Values the importance of youth having input into matters that involve them
- Recognizes that youth in custody can have challenging behaviours, and provides the concrete skills to work with those behaviours

The Relationship Custody approach for staff and youth

The Ministry of Children and Youth Services defines Relationship Custody as the way that staff work with youth to create and maintain a safe environment and for rehabilitation and reintegration. Relationship custody does not happen once, twice or even three times during a shift; nor does it only happen when a youth is in a structured program. Rather it is about the constant and ongoing interaction between staff and youth in every situation, from intake to supervision on living units, to applying physical restraints. The interactions between staff and youth can either prevent or diffuse a negative situation or they can be used to reduce the risk of retaliation or escalation by youth following incidents, for example, of using physical restraints or peer on peer aggression.

Source: Ministry of Children and Youth Services, Youth Justice Services Division, A Relationship Custody Framework for Direct Operated Youth Justice Facilities, April 6, 2010.

The 2011 Review

During the 2011 Review of RMYC, youth delivered wide-ranging messages regarding how staff treated them. Judging from youth comments, few elements of the Relationship Custody approach were consistently evident, yet when they were, youth definitely noticed. For every positive rating there was a chorus of accompanying comments often delivering the caveat, “It depends who’s working.”

As mixed as many of the responses were concerning youth-staff relationships, they should not be interpreted as a wholesale criticism of staff at RMYC. Some staff understand and respect youth and are dedicated to their success—so much so, that youth readily identified the skills and behaviours that show staff care.

76% of youth have a positive relationship with one or more frontline staff. We asked, “Which staff do you have a positive relationship with?” Of the youth who identified staff by categories, 76% said they have a positive relationship with at least one frontline staff. Youth commented: “[It’s] how they talk to you, help you”; “[They] actually talk to us, teach us stuff, talk about our problems, how we can change, treat us nice”; and “They check in to make sure you are okay; helped me with my level just recently.”

Youth know when staff care. We asked, “Do the staff care about young people here?” 24% of youth said “yes,” 55% stated “some staff care,” 17% said “no” and 4% stated they “don’t know.” When we followed up the above question with, “If yes, how do staff show they care?” most youth comments highlighted staff talking to youth, showing compassion regarding a youth’s family, concern for food requirements, behaviour, or giving a little extra of themselves. Youth commented: “They sit down and talk to us, say, *you remind me of my son, wish you weren’t here*”; “They give pointers on how not to get in trouble again. Will help get counselling. You can have a decent conversation with them”; “They take that extra step . . . they spend time talking with you personally”; “They take time and more food for us—not just food, sometimes they’ll bring a movie for us, create programs. This week rice and jerk chicken (were) made.”

Youth with special needs receive good treatment from staff. Although many youth don't believe that there are youth with special needs at RMYC, the few who commented on their treatment overwhelmingly believe staff take greater care with special needs youth. "They try to help him [youth with special needs], but in a good way," one youth said.

Positive youth comments about staff reveal Relationship Custody can work at RMYC. The youth comments mentioned so far reflect the staff characteristics, skills and behaviours embodied in the Relationship Custody approach. The table on this page provides descriptive examples of staff skills and behaviors that are linked to the Relationship Custody approach.

Youth-staff relationships often depend on "who's working." Youth delivered a double message about youth-staff relationships. As noted above, the majority of youth reported having positive relationships with at least one or more frontline staff, mentioning how staff attitudes and behaviours communicate caring, kindness, respect and fairness. At the same time, almost half of youth commented on negative staff behaviour and attitudes that leave youth feeling disrespected and treated unfairly. Taken together, these comments paint two conflicting pictures; it seems that whether a youth experiences positive or negative interactions with staff, "depends on who's working." We heard this phrase throughout the 2011 Review, with 52% of youth touching upon how their experiences were defined by inconsistent treatment and unpredictable handling of rules, all dependent upon which staff member(s) happened to be on shift at the time.⁸

How RMYC staff show they care – Youth voices and the Relationship Custody approach

What youth say:	Related Relationship Custody skills and behaviours
<i>They talk to you, seem more interested – there's a vibe, you can tell.</i>	Connecting and engaging.
<i>[They] sit down and talk to you. They try.</i>	Regularly engages in conversation with youth.
<i>They say, "I don't want to give you a BR [Behaviour Report], can you stop doing that?" They try to get you NOT in trouble.</i>	Verbally encourages youth.
<i>[They are] nice. Talk to you. Ask you questions.</i>	Tries and encourages two-way talking. You should not do all the talking.
<i>[They] go out of their way to see how you are doing.</i>	Shows interest; asks what the matter is if something appears to be upsetting the youth.
<i>[They are] just nice, play ping pong with you, basketball, try to get you extra recreation.</i>	Participates in activities with youth.
<i>They are more understanding...they try to have conversations; help us talk about our problems.</i>	Helps youth to problem solve.
<i>[They] talk to us, getting us dinner, show respect.</i>	Demonstrates care and respect in all interactions.
<i>If we ask for something, they are on it quick, they aren't just hanging around.</i>	Looks for/creates opportunities to connect with youth.
<i>They just listen.</i>	Listens to a youth's point of view.
<i>Try to help you with everything. If you need something, they will help you.</i>	Responds to a youth's request for help.
<i>If you were about to get into a verbal altercation, a good staff would stop it and try to redirect you.</i>	Resists/re-focuses power struggles.
<i>If I am mad, they say OP [Off Program]⁹ – but then next [they] will ask me, take a break, calm down... [They] help you solve it.</i>	When a youth makes a mistake, uses it as an opportunity to help them learn more effective problem solving.
<i>Talk to us, tell us positive things, help us.</i>	Tells a youth when they are seen doing something positive.
<i>Come to work, take care of us, they picked this field.</i>	Models professional behaviour with staff and youth.
<i>They are more lenient/flexible.</i>	Flexible and adaptable.

Sources: Youth comments are from interviews conducted during the 2011 Review of RMYC. Staff skills and behaviours are from A Relationship Custody Framework for Direct Operated Youth Justice Facilities, April 6, 2010, pp. 6-10.

“Depends on who’s working” pattern creates problems and increases risks for youth. According to youth, positive youth-staff interactions and relationships depend on the right staff being there at the right time. Youth reported often there were times when those staff members were not present, and why this creates problems—being able to make simple requests, earn privileges, phone home, receive points, have a snack, use the washroom, attend a program, go to school, and even feel safe and protected—are all dependent upon staff. If the “wrong staff” are there at the “wrong time,” then what worked smoothly and predictably before, is now in jeopardy. One youth said, “Cause you get used to it and learn who to avoid, when none of the five staff aren’t on shift, it is damn hard. . .” Another said, “Depends who is on shift . . . depends on staff and how they feel . . . when Advocate is here they act nicer to us by far.” Another said, “They just decide for themselves—depends on which staff is working on what points you get.”

It appears when youth are upset or angry, not being able to predict or trust what staff will do next—“talk them down” or “egg them on”—heightens the uncertainty and/or danger for them. One youth stated, “They take the officer part more seriously than the human part.” Another said, “They just pick and choose who they want to be respectful to—they don’t really treat everybody with the same respect.” Youth comments suggest that some staff may rely too heavily on static approaches indicating there needs to be a better balance with the dynamic approach—i.e., staff professionalism, connecting and engaging, flexibility and adaptability—as highlighted in the *Relationship Custody Framework*.

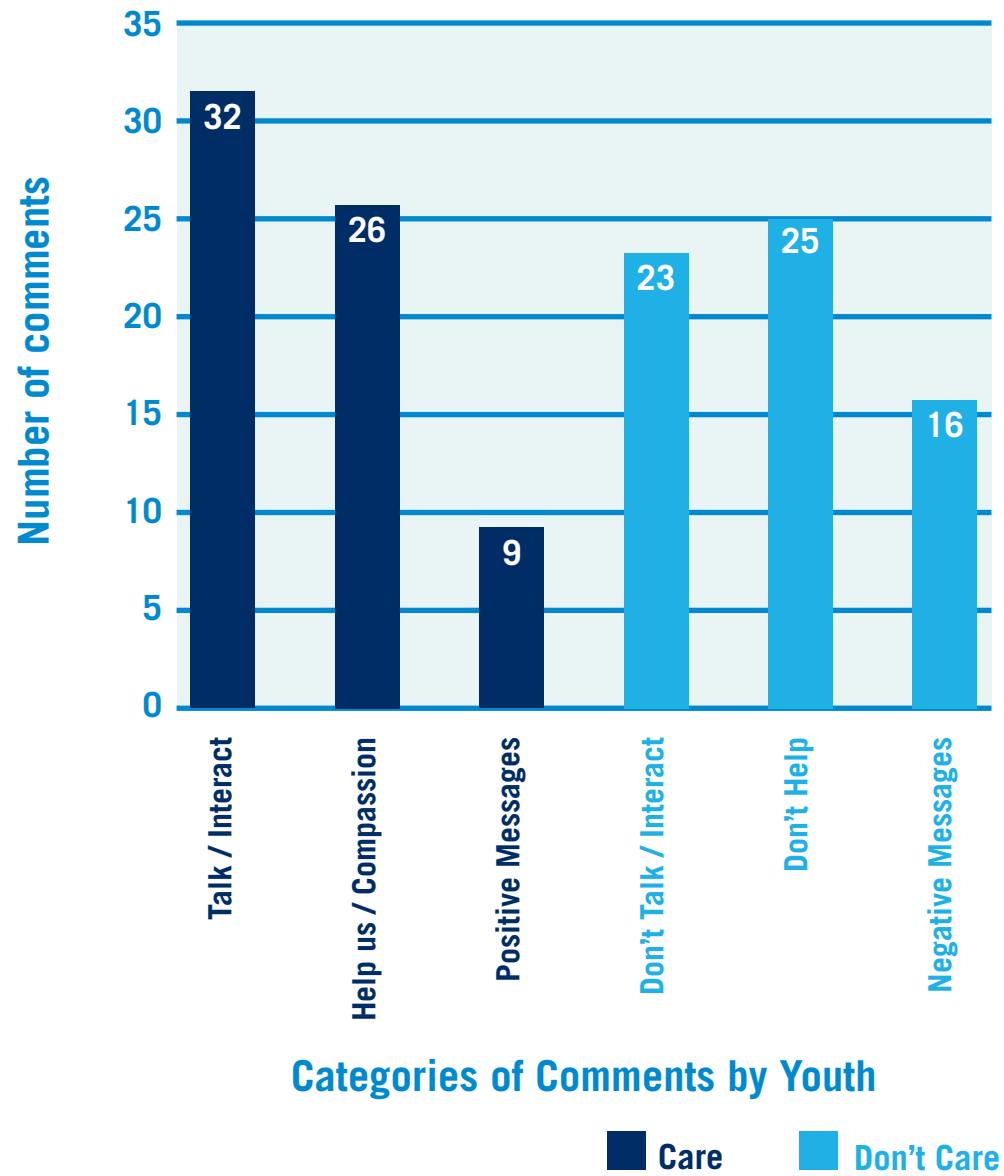
Youth comments highlight negative behaviours and attitudes of some staff. Although the majority (67%) of youth answered “no” when asked if they have concerns about staff, almost 80% of the youth who initially said “no” then offered negative verbal comments about staff. Described in further detail below, youth comments spanned concerns about being treated unfairly, being ignored, disrespected and belittled by staff.

About 50% of youth feel they don’t always receive fair treatment from staff. Fairness—that is, applying rules consistently to all residents—is one of the “most basic aspects of an effective institution”¹⁰. When we asked youth how fairly staff treat residents, 51% stated that staff were “sometimes fair”; 33% said “usually fair”; 9% said “very fair”; 3% said staff were “never fair”; and 4% did not answer. Referring to the incentive program¹¹, one youth said, “I think it is stupid and unfair. Some staff give some kids platinum [higher level] points to kids on bronze and not to another kid. There is favouritism. Staff will give kids gold points because they have known them a long time.” Another stated, “[I already] told some; they treat people better than others—how?—favouritism, racism, they seem to be here to make our life hard.” A few youth also commented that it is not fair for casual staff¹² to apply the behavioural management system, stating, “Casual staff shouldn’t give points—unit staff should train casual staff.” Another youth stated, “Unit staff good 60%, casuals not good 40%. Most are good to me.”

Few youth believe staff are respectful to everyone. 16% of youth stated staff are always respectful to everyone; the majority (77%) said staff are sometimes respectful or respectful to some youth; 5% believe staff are not respectful at all. “It depends how staff feel,” one youth said. “Some staff respectful all the time, and some staff not respectful at all. The guys respect who respects them,” another stated.

Staff show they don’t care by ignoring youth and making harsh comments. Asked to provide examples of an uncaring staff attitude, youth mentioned instances of staff ignoring youth; reminding youth of the staff-youth power differential; staff not helping when they saw a situation escalating; and making disrespectful comments that predicted youth would not be successful in the future. Youth commented: “They don’t want to talk. I can’t beg you to talk to me”; “[They] don’t do anything”; “They’ll say when I get out they’ll see me again, I’ll come back or they’ll see me at the ‘Hurst’ [Maplehurst]”; “Some look at us like little punks . . . won’t talk to you, just stand on guard”; “When they abuse their power. No empathy for youth circumstances.”

How RMYC staff show they care, don't care



Youth comments indicate they believe some staff hold racial biases.

We asked, "Does the background of a young person make any difference in terms of how they are treated by staff?" While a total of 24% of youth said "yes" or "sometimes," 18 youth made comments regarding race, both in response to this question and during other portions of the interviews. Comments included: "Staff treat white youth better than black youth" and "One staff who found out I was Sri Lankan asked if I was a part of the Tamil Tigers."

We asked, "Does it make any difference if the staff is male/female, younger, older, from the same cultural background as the young people living at RMYC?" 69% of youth stated it did not make a difference, while 28% stated it did (3% did not answer). Some youth emphasized that skills trumped background, stating, "It's how they communicate with us and the relationship we have with them" and "It's all about getting along and relating to us—if someone respects us we aren't going to show disrespect to them." A few youth felt differently; one stated, "Cultural background is important. I tend to get along better with people when they share my culture because they understand me."

Reminiscent of the initial youth complaints received after RMYC's opening in 2009, the 2011 Review confirmed staff attitudes and behaviours continue to "make or break" youth experiences at RMYC.

Youth report that some staff make racist comments at RMYC

As noted on page 16, many ethno-racial groups are represented in the youth population at RMYC and black male youth are overrepresented.

Approximately one-quarter of youth offered comments indicating they believe there is racism at RMYC, including staff making racist remarks, such as: “You guys [black youth] are all criminals, only thing black people do is sell drugs and kill each other.”

Disturbing and unacceptable in any environment, comments like these undermine the goals and purpose of the Relationship Custody model prescribed by the Ministry to foster respectful staff-youth interactions. According to RMYC’s *Action Plan*, staff serve as coaches and role models¹³ and are the stewards of rehabilitation for young people under their supervision; it would be difficult for youth to be mentored by staff who make racist comments.

Also, racist comments reinforce concerns that racism is embedded in a system that, despite its promise to hold youth accountable and help them with a fresh start, does not treat them as if they are worthy of respect, or of support for a second chance.

Systemic racism, poverty, unemployment, and other issues faced by families and communities, interlock to increase the odds that black, First Nations and other racialized young people will arrive at RMYC’s doors. The links between these factors and youth violence and crime are well documented; Ontario’s comprehensive report, *The Review of the Roots of Violence (2008)*, states:

For all of these reasons, it is apparent to us that all of the immediate risk factors for violence involving youth can easily arise from the diminished sense of worth that results from being subject to racism and from the often accurate inference of what that racism means for hopes of advancing, prospering and having a fair chance in our society. When, as is so often the case, racism is combined with poverty and other sources of serious disadvantage discussed in our report, its central role in the issue that concerns us is all too evident.¹⁴

While RMYC has no jurisdiction over the circumstances that bring youth to its doors, RMYC staff have a responsibility to demonstrate that all youth deserve to be treated fairly and without prejudice.

What has happened since the 2011 Review

Additional training provided to staff.

In the fall of 2011, the Ministry provided province-wide training in *Relationship Based Strengths Approach* to front line staff at youth justice facilities, including RMYC. Stephen de Groot, a clinical and organizational consultant specializing in the development and implementation of strengths-based interventions, provided the training. He states: “The more a youth is able to trust and respect you, as well as feel respected and trusted by you, the more likely he/she will communicate clearly and openly his/her strengths, ideas, or concerns, allowing you to provide the best possible support and guidance”.¹⁵ (This training was provided in addition to the training referred to in *RMYC’s 2010 RMYC Action Plan Achievements* report.)

Youth complain staff are escalating situations; RMYC follows up.

In July 2012, in response to follow-up from the Advocate’s Office regarding a number of youth complaints concerning staff escalating situations, RMYC senior management stated that unit managers regularly review strategies with front line staff and that they are also researching additional approaches to improve staff use of de-escalation strategies.

Over the summer of 2012, there were a number of serious incidents of violence at RMYC, described in further detail on pages 35-36. On September 21, 2012, the Provincial Advocate for Children and Youth met with the Deputy Minister of Children and Youth Services to discuss the violence and related concerns and the need for intervention.

On September 24, 2012, RMYC staff received a memo from senior management reminding them of their obligation to a professional code of conduct as described in the *Youth Justice Services Manual*. Stating staff “will respect the rights of youth” and “ensure the entitlements and dignity of youth are safeguarded and upheld,” the memo also described examples of unacceptable staff behaviour, including threatening behaviour, swearing and engaging in unacceptable physical behaviour, including corporal punishment, excessive use of force and assault.

In summary

In its Relationship Custody Framework, the Ministry states: Research specific to the justice sector identifies that staff qualities such as warmth, empathy, genuineness, respect and flexibility can reduce recidivism. These core characteristics lay the ground work for positive interactions between staff and youth.¹⁶

These staff qualities along with skills in relationship-building and de-escalation techniques specifically prescribed in the *Youth Justice Services Manual* (Section 8.2) and in Relationship Custody training, are all signals to youth that RMYC staff care. The 2011 Review found the majority of youth interviewed said they had a positive relationship with one or more frontline staff.

However, staff use of Relationship Custody is varied and unpredictable. When we asked youth more specific questions, we found a theme of “it depends on who’s working” prefaced a significant number of youth answers. Depending on individual staff, youth gave us examples of rules being followed, changed, manipulated, or disregarded. When conflicts arise at RMYC, youth responses indicate that generally, staff rely on containment methods, rather than using alternative strategies.

This is a critical concern: Relationship Custody underpins youth-staff interactions; it also has carry-over effects on issues such as violence, safety, rehabilitation and reintegration. Youth who have positive, respectful and trusting relationships with staff are more likely to build on these in their efforts to reintegrate back into the community. As noted, the summer of 2012 saw increased violence at RMYC; some youth reported they believed staff were deliberately escalating situations.

The Advocate’s Office receives few calls from youth that focus exclusively on complaints about specific staff behaviours. However, the *way* staff treat youth underpins many of the 178 youth calls we have received since the 2011 Review. What could be an easily satisfied request for a blanket or to use the washroom can turn into an exercise in frustration and even humiliation for a youth because of the behaviour or attitude of the particular staff involved.

Despite mandatory training, unit level meetings, RMYC memos to staff and a meeting between the Deputy Minister of Children and Youth Services and the Provincial Advocate for Children and Youth, Relationship Custody still has not gained a true footing at RMYC. The time to allow for “growing pains” has passed; almost four years after opening, youth are voicing the same concerns about the unpredictability of how staff treat youth. It appears there is not enough critical mass to bring about whole scale implementation of the *Relationship Custody Framework*; RMYC staff and managers are pivotal to strengthening the use of the framework through a deliberate process and plan.

Legislation, Policy and Procedures

In its **Youth Justice Services Manual (YJSM)**, the Ministry of Children and Youth Services sets out its vision for staffing in youth justice facilities throughout Ontario:

We will promote an organizational culture that enables leadership, responsibility and innovation in our staff and with our community partners.

Staff and service providers will be appropriately trained and experienced and will collaborate in the best interests of youth, families, victims and communities to achieve service excellence (Section 1.4 Mission and Principles).

The Provincial Advocate’s 2010 RMYC Report was published in response to numerous calls and complaints from youth at RMYC concerning staff and staff-youth relations as reflected below:

“I no longer feel safe because of what staff do to you here. The staff are violent”.

“Staff make fun of me for self-harming”.

“If staff don’t like you, you won’t get food”.

At the time, the Advocate’s Office was also in contact with RMYC staff, and several staff echoed the youth concerns. The common complaints were documented in the report: low staffing levels (less than 50% of allocated recreation staff were hired) preventing youth from attending activities; staff concern for their own safety; excessive force by staff; and lack of programming. The report also noted the following: “Many staff expressed concern about the direction of the facility and worry that RMYC will not fulfill its true promise. They felt they were not able to develop relationships with young people in a manner that was described to them in their orientation and training”. The Provincial Advocate stated:

There is a struggle taking place within the facility for the metaphorical soul of RMYC. This struggle is characterized at all levels by those comfortable with a

traditional “corrections” approach and those searching for a “relationship custody” approach. It is exacerbated by: a lack of clarity about the philosophy, goals and expected outcomes of what a relationship custody approach would require; the destabilization amongst staff that is created by competing philosophies and approaches; and the perception of youth that the organization is in chaos and has little or no structure due to staff inconsistencies and the struggle for the approach.

Saying that “Stronger leadership is necessary at all levels to support the ‘Relationship Custody’ approach planned with the establishment of the Roy McMurtry Youth Centre,” the report concluded: “It is the view of the Advocate’s Office that many of the concerns raised could be mitigated by clarifying the philosophy, goals and expected outcome of the Relationship Custody approach; increasing staffing levels; implementing dawn to dusk programming; and developing strong relationships with organizations in communities and priority neighbourhoods where youth will be returning”.

2010 RMYC Action Plan

Youth placed in these secure custody and detention centres have the opportunity to form positive relationships and benefit from specialized programs that will help them leave their criminal past behind and return to their communities better prepared to make the right choices. Staff are involved in a form of supervision known as ‘relationship custody’ where they enforce rules and procedures as well as coach, mentor and engage youth in decision making. Positive staff and youth relations help increase safety and reduce negative behavior by youth both while in custody and after they leave.

- *Newly-hired youth services officers must complete four weeks of formal training and three weeks of on-site orientation with experienced staff.*
- *47 new staff have been hired since September 2009, who are available when required. Staff are available*

to reinforce rules and procedures in the individual youth units.

- *Every effort is made to consistently assign staff to the same living units. This helps both staff and youth establish better, trusting relationships and improves safety and supervision.*
- *Youth services officers are required to take refresher courses yearly to maintain and enhance their skills in verbal and, where necessary, physical intervention to control aggressive youth behaviour.*
- *Youth Liaison Officer helps resolve concerns raised by youth in a timely and constructive manner, and provides regular contact with the Office of the Provincial Advocate for Children and Youth.*
- *Youth can register complaints anonymously under a new system and complaints are reviewed by a manager daily.*
- *Enhanced training for staff on “relationship custody” – a form of supervision where staff engage and involve youth in decision-making and serve as role models on a daily basis.*

2010 RMYC Reported Achievements

- *Hired and trained 48 additional staff (36 permanent and 12 temporary Youth Services Officers/Managers; one temporary Community Liaison Officer).*
- *Provided enhanced training for staff to support a consistent understanding of the philosophy, goals and expected outcomes of a relationship custody approach.*
- *Provided staff with specialized training to better manage aggressive behaviour.*
- *Temporary staff positions have provided more staff at times of highest volume and activity and helped stabilize the facility’s overall operation and programming. Permanent staff positions have achieved a fully dedicated and separate female facility, allowing for gender responsive programming, and will maintain a staffing schedule that enhances supervision and interaction with youth.*

A Staff are the “makers or breakers”
of youth experiences

B

Tension and violence
undercut youth life

C Intrusive procedures and excessive
force seem to be used “too much”

D Vital access to family and safeguards
is undermined by problems

E Mixed story on food
and basic care

F Rehabilitation and reintegration—
are youth getting what they need to succeed?

“Not that good. There [are] a lot of fights. Even though you don’t choose the fight, the fight comes to you. Then you get charged.”

“At the most basic level, safety is essential for positive development”.¹⁷ Whether a young person lives with a family or is held in custody at RMYC, young people have a right to be protected from violence. Article 19 of the United Nations Convention on the Rights of the Child (UNCRC) articulates that right, specifying that the state is responsible for protecting children from all forms of “physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.”

Safety is also “one of the most basic requirements” for rehabilitation environments.¹⁸ Nevertheless, safety and violence continue to be significant issues at RMYC and other youth justice facilities. Soon after RMYC opened its doors in 2009, youth began contacting the Advocate’s Office voicing their fears and concerns about violence. While young people living with their families can seek refuge and support from any number of people and places, youth at RMYC are wholly dependent on staff for their safety and protection. Do youth at RMYC feel safe and protected by staff? How violent is life at RMYC?

The 2011 Review

During the 2011 Review, we learned that tension and violence affect youth life at RMYC. The sheer number of youth comments about violence, the frequent references to emergency “code blues” (a sound transmission identifying situations requiring officer assistance) and the detailed descriptions of bullying, peer aggression and assaults, tell a concerning story. The story is also a complicated one: the numbers and youth comments don’t line up consistently. Youth who reported they felt safe “all of the time” at RMYC then offered comments describing situations in which they were concerned about safety. Youth at RMYC are not just concerned about peer violence; over half of the youth comments regarding safety related to staff behaviour while physically restraining youth.

79% of youth offered comments regarding violence and safety issues.

The majority of youth interviewed offered comments regarding violence and safety issues—some remarking extensively, further suggesting that violence and safety issues affect life at the facility. Five youth mentioned “fighting” and “altercations” as their first response to a general question about what it is like to live at RMYC. Throughout the interviews, youth spoke of violence they experienced themselves, and/or violence they witnessed. They described situations where their peers hid in their rooms or didn’t attend school to protect themselves. Comments like the following were repeated: “What happens on the street comes in here—no guns, so just fights”; “It depends on if you piss someone off”; “The people just have to hide in our room. If you have a beef—and many enemies here—it is not safe.” Youth also described staff using violence when physically restraining youth—those comments are provided in the section on intrusive procedures and excessive force.

36% of youth reported violence occurs daily or several times per week at RMYC. “There [are] a lot of fights,” said one 18-year-old. Youth offered comments about *seeing* a lot of fights and 21 youth mentioned *hearing* “code blues.” One youth said, “Code blues [happen] every day . . . lots of fights, lots of violence.” Another youth said, “It all depends on staff. The shower issue may cause fights. Yesterday brought in 15 staff.” And another, “May not be physical, but every day screaming, yelling, a lot of it is in this unit.”

Numbers tell part of the story on violence and safety at RMYC. Considering the number of comments and detailed descriptions of violence heard during the interviews, when we asked youth how safe they felt at RMYC, nearly 60% reported feeling safe all of the time. When asked if they thought staff maintained a strong presence, a similar number (just under 60%) of youth believed that staff maintain a strong presence all or most of the time; and over half of youth say they feel properly supervised. The rest of the youth—a smaller but nevertheless

concerning 43%—experience times when they don’t feel safe, times when they believe there isn’t a strong staff presence or times when they believe staff are not watchful enough. 27% of youth at RMYC reported feeling safe “most of the time”; 11% said they feel safe “some of the time” and 5% don’t feel safe at all.

Of the 60% of youth who initially answered that they felt safe at RMYC, 73% then proceeded to describe situations during which they experienced violence themselves and/or witnessed other youth being hurt, targeted and/or being afraid. Perhaps some youth view *themselves* as safe, when compared to their peers at RMYC, or compared to other situations in their lives. Perhaps they feel able to “take care of themselves” or know they would call on staff for assistance. Understanding these dynamics more fully was beyond the scope of our interviews, but will be critical to RMYC’s continuing efforts to address safety and violence. We were able to learn more about some aspects of youth experiences with violence and safety at RMYC.

Some youth feel unsafe because of peers and because of staff. When youth told us that they didn't feel safe at RMYC, we asked why. Half of all youth said they felt unsafe because of peers; 27% said they felt unsafe because of staff and 23% said they felt unsafe because of peers and staff. Youth comments added to the picture: eight were specifically about safety concerns and 25 comments were about violence. Regarding violence, the comments were almost evenly split between those concerning peer violence and those describing staff violence that occurs while youth are being physically restrained. Strategies to reduce violence at RMYC will need to consider all forms and sources of violence at RMYC, especially the implications of staff violence towards youth when staff are expected to be protectors and role-models for youth.

Youth comments suggest youth are intimidated by peers; this may fall below staff radar. Youth offered 12 comments specifically about peer violence; some remarking on peers using more subtle forms of intimidation, like extorting juice from others. One 17-year-old stated, "They [youth] test you when you are new... [You] can get put on a program by your peers and they get your juice, all meals and other food. Staff saw me drop off my juice to other kids but did nothing." A 15-year-old said, "[Someone] tried but I won't give it. Give them your juice and you're his bitch for the rest of the time. I'll fight

them." Another 17-year-old stated, "A lot happens behind the scenes. Some kids shouldn't be here. They are screened and then they beat up kids 'cause the kids told them to." One youth aged 18 reported on his own experience, "They [staff] just said 'stop horse playing' but it wasn't horse playing. I didn't tell them afterwards."

Youth think some groups are at increased risk. When asked if culture, language, or the religion of a young person made any difference in terms of how they were treated by their peers, 57% answered "no," whereas 35% said "yes" or "sometimes" and 5% said they "didn't know." Some youth commented that young people of the same culture tended to "stick together" and one youth reported that the fights were between "black kids and white kids." Others suggested that younger, smaller youth are the most at risk: "Size is more important—will test you—if you show you aren't a bitch they will leave you alone." Another said, "There is cultural bias with young kids. With age comes experience."

When asked if LGBTQ [lesbian, gay, bisexual, transgendered or queer] youth were treated differently by their peers, 55% answered they "didn't know," 27% said "yes" and 11% said "no." (5% said "sometimes" and 2% were "N/A.") Several youth commented "Haven't seen it here—would get beat up for sure"; "No one would ever say that here because they know they would get pounded."

The United Nations Secretary-General's Report on Violence against Children (2006) addresses the issue of peer violence in children's relationships, including residential facilities, emphasizing the necessity for facility staff and administration to provide protection for vulnerable youth and underscoring the importance of dedicated 24-hour staff supervision:

Children in residential care are vulnerable to violence from their peers, particularly when conditions and staff supervision are poor. Lack of privacy and respect for cultural identity, frustration, overcrowding, and a failure to separate particularly vulnerable children from older, more aggressive children often lead to peer-on-peer violence. Staff may sanction or encourage peer abuse amongst children – either to maintain control or simply for amusement (p. 189).

When asked if youth with special needs/learning challenges were treated differently by peers, youth were split in their answers, with some saying: “We leave them, won’t be mean to them”; “We treat them like they’re one of us but we give them a little more slack.” Another said that these youth would be “left out, isolated.” Five youth commented that while they had not witnessed any different treatment, they speculated that the more obvious the differences, the more vulnerable the youth would be.

Majority of youth feel safe going to school, but risks increase for some. The majority of youth (70%) reported feeling safe going to school “most” or “all of the time”; almost 15% said they feel safe “some of the time,” “almost never” or “never” and about 15% “didn’t know” or didn’t answer the question. However, several youth stated they are fearful of attending school at RMYC because of concerns about their safety while in school and while travelling to and from the school building. They cited occasions where youth have refused to attend or have been held back for safety reasons. Youth from all units attend school in the same setting and, as a result, youth who are purposefully kept in separate units because of known conflicts can come into contact with one another at school. Youth comments reflected that some youth come to RMYC with unresolved peer issues from “the streets” and that this dynamic plays out on the units and at school.

Youth comments suggest staff don’t intervene consistently or at the right time. Youth described a range of staff behaviours when it comes to monitoring youth conduct and intervening. While 40% of youth believe staff are watchful “all of the time,” 20% of youth identified that staff are watchful “most of the time;” another 20% said “sometimes;” 4% said “never” and the remainder didn’t answer or didn’t know. How watchful should staff be, and is it acceptable that a total of 60% of youth believe staff are watchful all or most of the time? Or that the remaining 40% of youth believe staff are sometimes or never watchful? Staff watchfulness is one element of the safety equation for youth.

Youth comments also reflected the variation in how staff watch, assess and/or respond to situations: “Staff are not watching”; “Depending on who’s on”; “Some of them [staff] on intake [are watchful]; on other units it is less safe, staff less watchful”; “YSOs ‘see it’ but choose not to do anything”; “They let the intimidation slide, but they don’t usually say nothing about it”; “Little things [like] arguing, [they] don’t say and they wait too long before it is almost out of control . . .”; “They only watch for it with the weaker kids, like to see if you take the juice”; “They bring most of the troubled youth to our range cause they think the staff are strong. Not fair to us. They [staff] want us to help them. They do this too much.” A 17-year-old said, “It depends on who it is. If they [staff] think it is someone who they think can hold their own, they leave it, but if it is a younger kid, they will step in. I don’t think that is the right way to handle it.”¹⁹ One youth viewed staff behaviour differently from other youth: “They overdo it, they watch hard.”

13% of youth say they would talk to staff about not feeling safe. If youth aren’t feeling safe at RMYC, it is important to know what they would do if they were intimidated or threatened. Few (13%) youth say they would talk “all of the time” or “most of the time” to staff about not feeling safe. With some youth identifying staff as the cause of violence at RMYC, youth may not see them as a safe source of support. As well, youth comments suggested they couldn’t trust staff to help them: “I’d rather go to that [...] kid than go to a staff,” said one youth. Another said: “Don’t know which one you can trust, don’t want to be a rat in this place.” It appears youth at RMYC may be in a bind: they may perceive there are risks to staying quiet and risks to speaking up.

The Ministry set the bar for youth safety at RMYC when it stated in its *2010 Action Plan* that no youth should feel unsafe, saying: “Youth in custody have diverse needs, but they should all expect to be safe, to be offered the opportunity to be engaged and to learn”.²⁰ No youth can succeed in an environment of fear; whether we examined answers to questions, analyzed youth comments or counted how often the issues came up during the interviews, safety and violence issues undercut youth life at RMYC in 2011.

What has happened since the 2011 Review

Youth interviews and calls to the Advocate's Office since the 2011 Review and up to as recently as fall 2012, confirm youth at RMYC continue to experience violence. Youth report being assaulted by peers, being threatened and/or assaulted by staff, being afraid for their own safety, and/or witnessing peer and staff violence towards other youth.

Over the spring and summer 2012, the Advocate's Office received a number of reports from RMYC senior management about increasingly serious incidents of peer violence and youth assaults against staff on the living units. While looking into youth concerns regarding the use of secure isolation, the Advocate's Office interviewed 38 youth about their complaints. Many of these young people also raised concerns about peer violence and staff using excessive force and violence against youth (to be discussed in the next section). A range of explanations for the incidents of increased violence was offered by all sources: "no apparent reason"; "gang-related conflicts originating in the community"; "labour unrest"; "staff instigating youth towards violence"; and youth using violence in response to "excessive use of force by staff against young people."

While the increased violence over the summer of 2012 seems to have abated, youth calls to the Advocate's Office in the fall 2012 confirm that youth at RMYC continue to experience and witness violence by peers and staff, as well as express fears about their own safety. Given the seriousness and persistence of violence and the breadth of views and explanations noted above, it is imperative that RMYC explore all facets and develop a plan to decrease all forms of violence and increase youth safety.

Early in the fall 2012, and echoing youth concerns about safety at the RMYC on-site school, RMYC management and the Ontario Public Service Employees Union (OPSEU) identified school safety as a major concern. Both OPSEU and youth at RMYC have suggested that increasing the number of Youth Services Officers at the school would solve the problem and the Advocate's Office has raised this potential solution with the Ministry Regional Office. Youth have also suggested staggering class-change times in order to reduce the likelihood of fights with peers.

In September 2012, RMYC established a new school program called SET (Short Term Education Transition) for youth who are not able to attend the regular on-site school due to safety concerns. These include youth who have been suspended from attending the on-site school, have threatened the safety of others at school, or are at risk for being harmed.

In the fall of 2012, the Ministry stated it plans to meet with both RMYC staff and youth about the causes of, and solutions to, violence at RMYC. The Ministry has also suggested the Advocate's Office could participate, especially with respect to meetings involving youth. The Advocate's Office is willing to be a part of this process.

Youth voices echo some of the Ministry's "Causes of Facility Unrest"

The Ministry's YJSM cites research-identified factors which can lead to emergencies (including riots, violent incidents among youth and other serious situations endangering youth, staff and others) at youth justice facilities. Some of the major causes include:

- **Too much reliance on static security technology while ignoring the human element.**
- **Absence of legitimate grievance or complaint mechanisms.**
- **Lack of meaningful programming.**
- **Inability to maintain a relatively safe, secure environment, free of physical confrontations between young persons.**
- **Punitive management philosophy.**

The existence and effects of these factors are not confined to issues of safety and violence; there are implications for almost every aspect of youth life at RMYC, within the facility walls and once the youth is released. Youth at RMYC have identified issues which echo this list. Regarding dissatisfaction with the internal complaints process—mentioned above as “Absence of legitimate grievance or complaint process”—one youth stated: “Felt like it [internal complaint process] wouldn’t make a difference. Complained before, didn’t make a difference.”

Also, an over-use of static security would seem to undermine the development of positive, respectful staff relationships—i.e., the Ministry’s Relationship Custody model—which is a foundation for successful youth rehabilitation and reintegration.

The YJSM further notes the solutions to these problems can generally be found “within the capacity and authority of staff” at the facility or regional/corporate levels and include the following practices listed in Section 14.2:

- **effective communication and information sharing.**
- **good security practices, including searches, contraband control, and control of tools and equipment.**
- **appropriate young person classification.**
- **positive staff-young person relations.**
- **maintenance of a positive facility environment and climate.**
- **a wide range of young person programs and activities.**
- **suitable complaint mechanisms for both staff and young persons.**
- **comprehensive staff training.**

In summary

Throughout the 2011 Review and in subsequent youth calls and interviews, stories of violence persist.

The violence that youth first complained about at RMYC in 2009 continues to undercut youth life at RMYC in 2012. Youth who initially reported feeling safe, went on to describe situations where they experienced or witnessed violence. While youth believe some groups may be particularly vulnerable—younger, smaller youth; LGBTQ youth; some youth attending school; some youth dealing with issues from the street—all youth at RMYC are vulnerable. Youth do not appear to be consistently and effectively supervised and protected by staff thus increasing risks to safety. Youth responses and comments about staff not being watchful enough, not intervening soon enough and staff using excessive force may factor into youth not being able to tell staff when they aren’t feeling safe.

The Ministry’s 2010 Action Plan prioritized promoting staff-youth relationships because, “Positive staff and youth relations help increase safety and reduce negative behaviour by youth both while in custody and after they leave”.²¹ The Advocate’s Office is not privy to the full extent to which this goal has been prioritized and/or implemented at RMYC. We know what youth tell us about their experiences; based on this, improvement is needed. It appears staff are still not being sufficiently trained and/or consistently supported to use the Relationship Custody approach to detect problems when they are brewing and intervene at the right time and with the right intervention, so as not to provoke or escalate situations. Young people have a right to be safe. Young people at RMYC need to be protected by staff who are sufficiently trained, supported and supervised to work with them to ensure that safety.

Legislation, Policy and Procedures

Youth at RMYC are protected by two layers of legislation designed to keep them safe from harm. The **Youth Criminal Justice Act (YCJA)** states that the purpose of the youth custody and supervision system is to protect society by “carrying out sentences imposed by courts through the safe, fair and humane custody and supervision of young persons . . .” (83.1.(a)). The YCJA is also clear “that the least restrictive measures consistent with the protection of the public, of personnel working with young persons and of young persons be used” (83.2.(a)).

At the same time, youth receive protection under the **Child and Family Services Act**, which is designed “to promote the best interests, protection and well being of children” (Paramount purpose 1.1). The CFSA emphasizes overall protection and specifies a number of rights (freedom from corporal punishment, reasonable privacy, education, etc.) for children under its care.

Provincial Advocate's 2010 RMYC Report

After RMYC first opened, youth contacted the Provincial Advocate's Office with concerns about violence and their safety: “There have been over 40 fights in here because the kids are getting frustrated; there is nothing to do so they fight each other.” *The Provincial Advocate's 2010 RMYC Report* documented youth complaints about peer violence: “I am supposed to do more here. There is no rehabilitation here. When the inmates are mad then it increases the stress on us,” one youth said. Another stated, “There are so many fights because we're bored.” Yet another youth alleged excessive use of force by staff, stating: “Staff grabbed a youth by the hair to prevent a call to the Advocate”.

2010 RMYC Action Plan

- *improved youth assessment and assignment to individual units to minimize incidents of youth-on-youth violence . . .*

2010 RMYC Reported Achievements

- *Training on working with youth involved with gangs provided to 51 staff in the new Assessment units*
- *. . . plus enhanced verbal crisis intervention training*
- *4 X 2-day training sessions on gang awareness to all Gamma unit staff [assessment unit staff]*
- *Full assessment of facility by contracted security experts led to installation of 151 additional security cameras, including staff training in the operation of the system.*

Youth at RMYC are protected by two layers of legislation designed to keep them safe from harm.

A Staff are the “makers or breakers” of youth experiences

B Tension and violence undercut youth life

C Intrusive procedures and excessive force seem to be used “too much”

D Vital access to family and safeguards is undermined by problems

E Mixed story on food and basic care

F Rehabilitation and reintegration— are youth getting what they need to succeed?

“Seen staff smash kids’ heads on the floor and take them down hard.”

When it comes to managing violence and aggressive behaviour in youth justice facilities, there are times when staff use “extraordinary measures” or “intrusive procedures” including searches, physical restraints, and “lockdowns” and secure isolation.

In Ontario, these measures are regulated by the *CFSA* and are to be used when de-escalation strategies and other less intrusive approaches are not sufficient. The use of measures like secure isolation is sanctioned by the *CFSA* if, “the child’s or young person’s conduct indicates that he or she is likely, in the immediate future, **to cause serious property damage or to cause another person serious bodily harm** [emphasis added] . . . and no less restrictive method is practicable” (*CFSA*, 127.3,a,1). Intrusive procedures must be used with appropriate care so that the measures themselves do not become more hazardous than the anticipated harm they were intended to address. In fall 2009, for example, five youth at RMYC contacted the Advocate’s Office reporting incidents of a serious, violent nature, involving allegations of staff using excessive force and/or failing to protect the safety of youth.

The 2011 Review

During the 2011 Review, youth described lockdowns, searches and physical restraints being used so often at RMYC, they seem to be used “too much.” While routine searches occur at youth justice facilities for safety and security reasons, youth at RMYC are suggesting that searches seem to occur frequently—i.e. beyond what might be considered reasonable.

Similarly, some youth commented that instead of staff using strategies like “talking them down” to de-escalate situations, staff used intrusive procedures “too quickly.” As well, some youth reported that staff use these measures to *punish* rather than *manage* youth behaviour and that some staff assaulted and injured youth. When asked about what makes them feel unsafe at RMYC, youth offered examples of staff using violence on youth, such as when staff physically restrain youth. This practice is sanctioned by the CFSA: “When a young person is physically restrained, the least amount of force that is necessary to restrict the young person’s ability to move freely must be used” (Reg. 70, 109.1). Any force used beyond what might be deemed appropriate, could be considered “assault or excessive use of force” (YJSM 8.3).

39% of youth raise concerns about searches. Searches—particularly strip searches—were mentioned frequently, with almost half of youth offering comments about them. We asked, “What types of searches do they conduct here?” and one youth replied, “What

types of searches *don’t* they do?” 61% of youth said that strip searches occur at the facility; many youth reported that room searches and frisk searches also take place. Youth stated: “Too many . . . strip-searches weekly [and] frisk—every day, everywhere”; “Squat, bend over—strip search, room, unit searches”; “Strip naked, spread butt cheeks, cough, touch toes”; “New rec staff [female] had everyone strip searched so no one wants to go back to rec.” One 17-year-old stated, “For kids this young, staff shouldn’t ask them to lift their package and stuff. If you are young you shouldn’t be doing that. There should be alternatives.” Youth comments suggest they experienced humiliation and degradation: “Pride is taken away from me. [name of staff] likes strip searches. Never found anything here”; “It makes me anxious. Some people frisk too hard, grab you too close to the breasts.” Other facilities may handle strip searches differently, as one 17-year-old said: “At [another youth justice facility], it was different. Not nearly as degrading.” Another stated, “Too many times, more than other facilities.” All of these comments raise questions about the nature and frequency of searches at RMYC.

43% of youth reported being physically restrained by staff. When we asked, “Have you ever been physically restrained?” 43% of youth said “yes.” In addition, nearly half of all youth interviewed commented on the excessive use of force during physical restraints: “Some of the staff . . . stomp a youth out . . . I have seen kids kicked, punched in the head.”; “Oh yeah! When they restrain, that’s when they release their stress . . . injuries are not from fighting the other youth, but from the staff. I’ve seen 15 staff on one guy. They’ve got a guy in handcuffs and they are still trying to manoeuvre him and staff on the other side are trying to move him the other way and he is pleading for them to stop . . . three times [I] seen this type of situation.” Another youth said, “From a staff point of view, if two people are fighting [you] have to restrain them. But once not resisting—lay off. Sometimes staff [are] still a little aggressive when [the fight] is clearly done.”

Of youth who reported being physically restrained, nearly half said they were injured. We asked, “Have you ever been injured from a physical restraint here?” 59%

reported “no,” 41% said “yes” and provided detailed descriptions: “They cut off my meds, on edge all day, I kept asking, staff yelled, I got mad, trashed my cell. Was calm, then four staff came in my room. They pushed me, restrained, cuffed me hard, left bruises.” (Staff from the Advocate’s Office conducting the interview saw bruises on both arms/wrists.) “Sometimes they put in too much force for no reason . . . There was an incident with youth and staff were all over him. . . [he] said ‘can’t breathe,’ they ignored him. I saw this.”

44% of youth reported being placed in secure isolation.

According to the *CDSA*, using secure isolation is the last resort available to staff for managing youth behaviour and is to be used when no other method is “practicable.” Legislation sets a one-hour limit, although it can be extended under particular circumstances until it reaches a maximum time limit.²² During the interviews, 44% of youth reported they had spent time in secure isolation. (Table 1 provides additional information about the numbers of youth and length of time spent in secure isolation.) “I never had fresh air, just stress in there and get angry,” said one youth. Youth comments centred mainly on poor physical conditions and other issues:

- **Cell cleanliness:** “Dirty—always disgusting, hairs from others, writing on wall.”
- **Adequacy of food:** “Cereal and that’s it. It does not fill you up.”
- **Stimulation:** “Don’t like it; they keep all lights on all night; cold; you do nothing . . . it’s boring”; “Some nice staff give me books, some don’t.”

Based on what youth reported during the 2011 Review, it appears some youth believe RMYC staff resort to using intrusive procedures more readily and/or more often than youth think is necessary. Their experiences and views raise questions about the extent to which RMYC is balancing its use of static and dynamic approaches. The Advocate’s Office also continues to be concerned about the safety of every youth at RMYC; youth reports about staff using excessive force and/or injuring them must be investigated fully.

Use of Secure Isolation at RMYC

April 1, 2009—March 31, 2010

Time Spent	No. of Youth
Under 1 hour	12
Under 24 hours	175
24 hours to 48 hours (1-2 days)	52
48+ hours to 72 hours (2-3 days)	18
72+ hours to 120 hours (3-5 days)	8
120+ hours to 168 hours (5-7 days)	4
168+ hours to 240 hours (7-10 days)	0
240+ hours to 360 hours (10-15 days)	1
360+ hours (15 days or more)	0

Source: Data provided by Ministry of Children and Youth Services regarding RMYC use of secure isolation.

Since 2009, when youth allegations of staff assaults first surfaced, the Advocate’s Office has requested copies of investigation reports. These requests have been refused. This lack of transparency in the investigation process makes it impossible for those outside RMYC and the Ministry of Children and Youth Services to know or have confidence that a thorough and fair investigation was conducted. This issue is discussed more fully on pages 45-47.

What has happened since the 2011 Review

The Advocate's Office has undertaken extensive follow-up with RMYC and the facility has implemented a number of solutions—all summarized below. Despite the follow-up and actions taken by RMYC, youth have continued to contact the Advocate's Office, voicing complaints about staff using intrusive procedures and alleging staff are assaulting youth.

New security chairs may help alleviate strip search concerns.

On August 14, 2012, the Advocate's Office was informed RMYC recently purchased four “Ranger Security Chairs.” It is possible the chairs could alleviate some of the youth concerns regarding intrusive strip searches by staff at RMYC as they function similarly to airport security scanners. In a November 21, 2012 meeting, RMYC senior management informed the Advocate's Office a Ranger Security Chair policy had been written and approved with 180 staff trained to date.

Problems persist with secure isolation practices.

In spring 2012, the Advocate's Office learned young people placed in secure isolation were having difficulty contacting the Advocate's Office due to problems with the phone system. Advocate's Office staff also had difficulty reaching youth by phone and were later informed by RMYC management that the phones in the secure isolation unit needed to be “warmed up” for an hour before an incoming call could be received by a youth. In other cases, Advocate's Office phone calls to the main switchboard at RMYC went unanswered and messages left for youth in secure isolation were not returned. Because of these reports, the Advocate's Office wanted to ensure all youth placed in secure isolation could contact the Advocate's Office if they wished. RMYC staff agreed to advise youth of the Advocate's Office request to be notified about their placement in secure isolation.

After the first five youth reported concerns, the Advocate's Office brought the issues to the attention of the regional director and senior management at RMYC who subsequently reported purchasing new phones and converting the shower anteroom into a private area for youth to use the phone.

During the spring and summer of 2012, the Advocate's Office conducted follow-up interviews with 38 youth who had been recently placed in secure isolation and learned the following:

Did staff advise youth of their right to contact the Advocate's Office?

- The majority of youth were not advised of their right to call the Advocate's Office.
- Those who asked specifically to contact the Advocate's Office were refused.

Did staff advise youth of the Advocate's Office request to be notified when youth were placed in secure isolation?

- Few youth recalled being advised of this by an RMYC staff person.

How were the conditions in secure isolation?

- Many youth reported lack of fresh air and poor access to showers.
- Many youth reported food was often late, provided in small portions, or not provided at all.
- Most youth described the room as “dirty”.

Having met with youth about their experiences in secure isolation, in September 2012, the Advocate's Office conducted a "snapshot paper review" of RMYC secure isolation documentation for the period of August 15 to August 23, 2012, which included examining logs, individual youth behavioural reports, and serious occurrence reports:

Snapshot paper review of RMYC use of secure isolation: August 15 – August 23, 2012		
Ministry of Children and Youth Services policy:	Document review:	Provincial Advocate's concern:
Individual Release Plans to include: <ul style="list-style-type: none"> • Alternatives considered to secure isolation. • Intervention approaches/strategies for managing behaviour. • Young person's view. • Plan for young person's release from secure isolation to facilitate return to regular programming. 	<ul style="list-style-type: none"> • None of the Release Plans listed any alternatives considered or any intervention approaches or strategies. • The Release Plans did include a plan for each young person's release, however the same plan appears to have been copied and pasted onto each release plan. • The section in the Release Plan and the Behaviour Reports requiring the "young person's view" was blank in all cases. 	The documentation confirms what youth are reporting: <ul style="list-style-type: none"> • Staff do not appear to routinely use strategies to manage youth behaviour, de-escalate and/or diffuse situations in order to limit the use of intrusive measures like secure isolation. • Staff do not appear to be taking the required steps, such as talking with the youth about their behaviour and alternatives.
Observation/Placement Review Form requires: <ul style="list-style-type: none"> • Youth 12-15 must be continually observed and assessed by a youth services officer and these observations must be recorded on this form. • The same applies for youth 16 and older, except observations and assessments must take place at random intervals, at a minimum of every 15 minutes. 	The logs show many periods of time where youth are described as "quiet and calm".	This raises questions and concerns about why "quiet and calm" youth were not released from secure isolation per <i>CFSA</i> regulations.

Source: Secure isolation documentation provided by Ministry of Children and Youth Services; review, analysis and identification of concerns undertaken by the Advocate's Office.

Despite several follow-ups by the Advocate's Office, we later learned that the plan for RMYC staff to advise youth of the Advocate's request to meet with them was still not being followed consistently. In October 2012, the head administrator of RMYC began making daily visits to secure isolation to advise youth of the Advocate's Office request to meet with them.

Youth report some staff are still escalating situations, using excessive force and causing injuries.

Many of the 38 youth we interviewed regarding secure isolation concerns also reported either experiencing or witnessing staff provoking youth, threatening youth and/or using excessive force with youth: "Staff threaten to come in my cell and beat me up"; "They call us pussies"; "They say, 'Come out and swing at me"'; "The staff grabbed me by the shirt while [another] staff was punching me," and "Staff put me in a headlock, I couldn't breathe"; "Staff grabbed me and threw me against the wall. I threatened to call the Advocate. Staff said, 'If you call the Advocate you will get a BR [behaviour report].'" I told the unit manager. He gave me OP."²³ Youth also reported some staff have refused their requests to have pictures taken of their injuries.

As recently as the fall of 2012, youth were contacting the Advocate's Office describing situations involving unprofessional staff conduct. Echoing comments we heard during the 2011 Review, youth described being provoked by staff so that staff could justify using restraints and/or excessive force to quash their behaviour. Youth also reported being assaulted by staff while being physically restrained.

RMYC and the Ministry report that internal investigations are conducted in response to all formal youth complaints. RMYC says it informs the police every time youth allege an assault. We have learned in practice this means RMYC documents the youth's allegations and provides its initial investigation report to the police on a weekly basis. Based on that report, the police determine what steps they will take, which may or may not include interviewing the youth.

As in all previous serious occurrences of this nature, the Advocate's Office requested RMYC's internal investigation reports, but was denied access due to concerns about staff privacy.

Recently, the Advocate's Office learned that, in at least one case, what RMYC termed an "investigation" was no more than a manager conducting a "paper review" of the youth's complaint, the occurrence and related reports prepared by staff. None of the relevant youth or staff were interviewed and the complaint was dismissed as unfounded.

MCYS standards for child protection workers conducting investigations in institutions require interviews with the alleged victim(s), staff witnesses (current informer), child witnesses, facility administrator, supervisor of the alleged perpetrator and the alleged perpetrator are a mandatory requirement of institutional investigations. It is recommended that MCYS apply these same standards for all investigations taking place in youth justice facilities.²⁴

Overhaul of Ministry investigations process required.

The Advocate's Office is calling on the Ministry of Children and Youth Services to end the practice of RMYC and other youth justice facilities conducting internal investigations into youth allegations of being assaulted by staff. The "investigations" do not appear to be sufficiently robust, despite being an important check on state power. Full and fair investigations should be conducted by an external body and, with the young person's permission, a copy of the investigation report released to the Advocate's Office. This issue is featured on pages 45-47.

On September 21, 2012, based on the most recent youth allegations of staff assaults, the Provincial Advocate met with the Deputy Minister of the Ministry of Children and Youth Services to make him aware of the Office's concerns.

In a September 24, 2012, memo regarding professionalism, RMYC management reminded staff they should interact with young people in a professional and respectful manner. Citing the *Youth Justice Services Manual* Code of Conduct, the memo included examples of unacceptable conduct, including excessive use of force, physical assault, degrading treatment and personal humiliation.

Youth say they are being beaten up by staff. How would anyone know?

External oversight, transparency, fairness: all missing in RMYC investigations into youth allegations against staff

No one wants to believe young people²⁵ in Ontario's youth justice facilities are being assaulted and harmed. But what if a staff person goes too far in restraining a youth and repeatedly smashes his head into a wall? Youth allege that it happens:

When they [staff] restrain, that's when they release their stress ... injuries are not from fighting the other youth, but from the staff. I've seen 15 staff on one guy. They've got a guy in handcuffs and they are still trying to manoeuvre him and staff on the other side are trying to move him the other way and he is pleading for them to stop ... three times [I've] seen this type of situation.

They use all their strength on you. When you tell them you're done and stay quiet, they keep going.

Youth can file a complaint, but few do. They could be branded "snitches," leaving themselves vulnerable to potential further verbal or physical abuse in the institution. If they do have the courage to speak out, and an investigation is conducted, the youth may hear only that the investigation has been completed.

According to the Ministry's *Youth Justice Services Manual*, "Youth Justice Services Division investigations involving Ministry-operated facilities shall be conducted under the provisions of the *Child and Family Services Act (CFSAs)*"

(Section 1.18). Facility administrators and the regional Ministry office determine whether an internal or external investigation should occur. Internal investigations are conducted by the facility; external investigations are carried out by the Ministry's Investigation and Security Unit (ISU).

RMYC reports they inform the police every time there is an allegation of an assault. We have learned in practice this means RMYC documents the youth's allegations and provides its initial investigation report to the police on a weekly basis. Based on that report, the police then determine what steps they will take, which may or may not include interviewing the youth and/or any witnesses.

Youth can file a complaint, **but few do.** They could be **branded "snitches,"** leaving themselves **vulnerable** to potential further **verbal or physical abuse** in the institution.

What's wrong with this picture?

When police receive the information package from RMYC detailing assault allegations, it arrives reflecting RMYC's investigation/review; the youth's voice is now filtered. This is in contrast to what happens in the community: there, an individual reports his or her complaint directly to the police. There is no intermediary providing a point of view at the outset. Further, internal investigations risk being influenced by organizational self-interest.

Is it **acceptable** that a publicly funded institution has license, in effect, **to police itself**?

With the police focus on determining criminal responsibility, some key questions may go unanswered:

What happened before, during and after the incident? What factors led up to or contributed to the incident? Were any policies or procedures violated? What steps were taken to protect the youth after the incident was reported? What can be done, if anything, to prevent the situation from happening again?

Currently, we have no way of knowing the answers to these questions, or even determining if they are asked in the investigation/review process. And yet it is these answers that the Advocate's Office believes may help to prevent a repeat of the situation. For youth who have complained to the Advocate's Office, this is usually what motivates their complaint in the first place: youth don't want what happened to them to happen to anyone else.

At RMYC (or any other residential facility), if a young person is dissatisfied with the results of an investigation and is willing to persevere, he or she can write to the Minister of Children and Youth Services requesting that the Minister appoint someone to "conduct a further review of the complaint." According to

CFSA subsection 110.5.1.A, that person is required to conduct the review and provide a report within 30 days, along with providing a copy to the complainant. When this review is completed, citing staff privacy concerns, the Ministry refuses to provide the reports to youth complainants and it refuses to provide them to the Advocate's Office when it intercedes. At this stage, youth can reach out once more, this time to contact the Ombudsman's Office.

Every step leading up to this point appears to be less about transparency and accountability and more about withholding information. We have youth reporting being assaulted in residential facilities but the response to these serious allegations is neither transparent nor accountable. Instead, we have secrecy—secrecy evidently founded on protecting the privacy of staff involved in the investigation. Is it acceptable that a publicly funded institution has license, in effect, to police itself? Is it acceptable that the Ministry responsible for operating residential facilities withholds investigation reports from complainants and the independent Provincial Advocate's Office acting on their behalf? It seems that the letter and spirit of the *CFSA*, as it relates to conducting further investigational reviews, is not being upheld.

Because of their young ages and vulnerability, when young people are placed in government care (with foster parents, children's aid, group homes, youth detention centres), the province assumes a duty of care, much like a parent. We hold all of these individuals and organizations to strict standards of care and protection. Young people in detention facilities have the same rights, needs and protections as any other young people. Some might argue that these youth are particularly vulnerable because they are completely dependent on the staff of the institution for their safety and well-being. And yet, youth are reporting they are being assaulted by the very people charged with their care. Given this predicament, there should be greater transparency and accountability, not less.

We are clear to youth in conflict with the law that one of the pillars of the youth justice system is youth accountability for their actions—yet this same system seems to be accountable to almost no one. The irony is not lost on youth who are at a crossroads in their lives, with the potential still to choose the right path forward.

Young people in detention facilities **have the same rights, needs and protections** as any other young people.

What needs to change?

Investigation processes in youth justice facilities should be “fair, effective and transparent.” These are the principles articulated by former Ontario Chief Justice Patrick LeSage in his review of the provincial system for dealing with public complaints regarding the police.²⁶ The Provincial Advocate suggests that youth facility investigations should meet these same standards. By these principles, when youth allege staff are using excessive force, assaulting and/or causing injuries:

- A “fair” investigation is one that would be conducted by an impartial, fully trained investigator external to the institution and the Ministry. There can be no room for real or perceived bias.
- An “effective” investigation would require that both complainant and respondent witnesses be interviewed and that all issues raised be thoroughly examined.
- A “transparent” investigation is achieved when a detailed report is completed and a copy provided to the young person involved and, with his or her permission, to the Office of the Provincial Advocate.

The Advocate’s Office is charged with responding to concerns from children and youth in and on the margins of government care. When young people call saying, “Staff put me in a headlock, I couldn’t breathe” or “Staff grabbed me and threw me against the wall” we advocate on their behalf. We help them speak up; we want to be sure their rights are being respected; we make recommendations and provide advice to the Ontario government.

On behalf of these young people, the Advocate’s Office should be able to ensure an impartial and thorough investigation takes place. No institution can police itself. No institution should be able to keep its investigation reports secret.

Fairness, transparency, accountability and effectiveness can be achieved when youth complaints are taken seriously, thorough investigations are conducted by an external body, privacy is respected and reports are made available to the youth and the Advocate’s Office. Anything less and youth alleging assaults by the people charged with their care continue to be at risk, along with the safety of everyone at the facility. Anything less and the Advocate’s Office is thwarted in its job of helping already vulnerable children and youth. Anything less and the youth justice system, while holding young people accountable for their actions on the one hand, is demonstrating on the other, that it does not have to hold itself accountable.

The *tangled web* of “OP” at RMYC

“If you’re on OP, you can’t go to school. It makes no sense.”

“...locked up in [my] room because OP.”

*“...I think some staff like problems, then we are OP
and in our room, so it is easier for them ...”*

What is “OP”?

When young people break the rules at RMYC, staff step in to show youth that there are consequences to breaking rules and to help them change their behaviour. A consequence frequently reported by youth and referred to as “OP,” this term can mean a youth has been placed “off privileges” or “off program.” The principle, “actions have consequences” is sound; youth comments raise concerns about how this practice is carried out.

Many infractions can result in OP

During rest period at RMYC, youth are expected to stay in their rooms with their doors closed. One youth kept opening his door and as a result, says he was put on OP. Another youth reported that he opened his door to ask staff if he could go to the bathroom; he was told “no” and put on OP. A different youth in the same predicament ended up urinating on his floor when he was not allowed to use the bathroom; he reports that he was placed on OP. One youth said he took someone else’s laundry out of the dryer so that he

could put his in; he was placed on OP. One youth summed up his experience: “If I am mad, they say OP.”

OP means different things to different people

There seems to be little shared understanding regarding what OP means and what it entails at RMYC. The disconnect is pronounced when comparing what youth say they experience and what RMYC senior management reports:

Youth report ...	RMYC senior management reports ...
OP refers to “off program”	OP refers to “off privileges”
This means: We are not allowed to participate in programming. We are not allowed access to the regular living unit.	This means: A youth continues to participate in “regular programming” (i.e., attend school and/or treatment programs) but is no longer entitled to privileges (such as free time on the unit).
We are locked in our rooms—from 12 hours to 120 hours (5 days). If we are discovered asleep while locked in our rooms, the time that we were asleep gets added to our OP consequence.	The youth is required to stay in his/her room with the door open or the door closed. The door is not locked.
We are not allowed to shower. We are not allowed to make phone calls to family; or have to take an extra step and request permission. We are not allowed to make phone calls to the Advocate.	While other youth on the unit are at their programs or in the gym, youth on OP are given the opportunity to shower, make phone calls and spend recreation time in the unit’s outdoor courtyard.
Some of us are given school work; some of us are not given school work, and/or reading materials.	Under certain circumstances, when a youth poses a particular risk to others (e.g. as a participant in group programming), that youth would receive individualized programming, including school programs, in his or her room.

What the rules say about OP

The *Youth Justice Services Manual* does not address specific behavioural management approaches such as the use of OP, but it does address how and when locking up can be used: routine locking at night; crisis or imminent crisis; during a weapons search; during admission procedures; and, at the initiation of a young person. It also states: “A young person cannot be locked in his/her bedroom outside of the approved schedule as a consequence of being ‘off privileges,’ ‘off program,’ or any other similar designation” (YJSM, 8.5). Locking up young people in their rooms, as punishment, is not permitted under the *CFSAs*.

Contrary to rehabilitation principles, youth appear to spend a lot of time locked in their rooms on OP

Youth see the way that RMYC uses OP as a form of punishment, typically involving containing and locking youth in their rooms, along with inconsistently applying a range of additional consequences. With RMYC’s mandate to promote accountability and rehabilitation, this practice seems to be at odds with its goals.

During the 2011 Review, we learned:

- 76% of youth report being locked down as a consequence.²⁷
- Reasons vary—“[Name of person] got punched in the face by a youth that used to be here. Everyone that didn’t go to seg. [secure isolation] got locked in their room for two days”; “[Youth Services Officer] says he feels it’s an unsafe work environment so locked down [the] unit for night”; “I think some staff like problems, then we are OP and in our room so it is easier for them.”

Sources: Youth views are from interviews and other contacts with youth during summer and fall 2012; summarized for this chart. RMYC senior management comments were provided during meetings and through correspondence.

During 2012, we learned:

- OP is being used after youth return from being held in secure isolation—two thirds of the youth interviewed regarding secure isolation concerns reported being placed on OP—from 48 hours to 96 hours (four days)—after their release from secure isolation. A number of youth indicated that once they were back on the regular living units, they were locked in their rooms as “punishment” for long periods of time while they were serving “off program” consequences. One youth suggested the use of OP is a fall-back measure when the facility is short-staffed: “If not enough staff, then we are locked in our rooms.”
- Seven youth calls received in fall 2012 described complaints about the use of OP. An additional five calls came from youth who reported they were being locked in their rooms and treated as if they were on OP, but staff were not formally telling them that they were.
- In October 2012, RMYC senior management confirmed they are locking youth in their rooms for “short periods of time.”

Clear rules, consequences and communication are needed to teach youth

At the organizational level, the confusion about OP is an example of the problem we’ve identified at RMYC concerning the communication, implementation and monitoring of rules and procedures. At the philosophical/operational level, the use of OP suggests a reliance on containment approaches which, when over-used or misused, do not teach youth to learn from their mistakes and misbehaviours. There should be consequences for behavioural violations and they should be clearly communicated, evenly applied and consistent with accountability and rehabilitation principles.

In summary

RMYC’s mandate is to rehabilitate youth. This goal appears to be undermined by a reliance on static approaches (searches, secure isolation, physical restraints and OP) over dynamic approaches (as described in the Relationship Custody Framework).

Locking up seems to be taking the place of “engaging”; “punishment” seems to be taking the place of “coaching, mentoring, and engaging youth in decision making.” A balance between the two is necessary: depending on static approaches makes it much harder for the principles of Relationship Custody to work. Locking up youth as punishment contravenes the *CDSA*; practices that cloak secure isolation in the guise of locking up are also contrary to the *CDSA*. Confusion about OP persists with youth spending up to 96 hours (four days) in OP. The purpose and specifics of all static approaches must be clarified for youth and staff. The psychological and physical effects of isolating youth for long periods of time should also be considered, especially when incarcerated youth are already at a higher risk for mental health issues.²⁸ When youth report they are being physically restrained—and sustaining injuries—we need to be concerned about their safety and well-being. To ensure confidence in the system, we need an investigation system that fairly, effectively and transparently investigates their complaints.

Legislation, Policy and Procedures

The *Child and Family Services Act (CFS)* and the *Youth Justice Services Manual (YJSM)* prescribe when, how and under what circumstances intrusive procedures and secure isolation can be used. Generally, each can only be used when there is a clear and imminent risk of danger and a lesser intrusive intervention is not considered to be effective.

Searches are conducted frequently, “for the purpose of discovering contraband, objects and situations that might be dangerous or detrimental to the safety and welfare of staff, young persons . . .” and include four types: strip search, frisk search, body cavity search and routine search of living units, places, vehicles, etc. Staff are expected to maintain the “dignity” of the young person, ensuring that they are not embarrassed or humiliated during the process (YJSM, Section 3.7).

Physical restraints involve using a holding technique to restrict a youth’s ability to move freely. Intended to prevent a youth from harming another person or property, staff must complete training and are not allowed to use physical restraints as punishment (CFS, Reg. 70).

Locking up (often called “lockdowns”) refers to locking a young person in his/her room. The CFS, Part V, *Rights of Children*, restricts locking up children, except under specific circumstances (CFS, C. 11, s. 126-128; Reg. 70).

The YJSM provides guidelines regarding when, how and under what circumstances locking up can be used: routine locking at night; crisis or imminent crisis; during a weapons search; during admission procedures; and, at the initiation of a young person. Further, the YJSM states: “A young person cannot be locked in his/her bedroom outside of the approved schedule as a consequence of being ‘off privileges,’ ‘off program,’ or any other similar designation” (YJSM, Section 8.5).

Secure isolation involves locking a young person in a specially designated room for isolation from others. It is only to be used in circumstances where the young person’s conduct indicates that he or she is likely in the immediate future to cause serious property damage or to cause another person serious bodily harm and no less restrictive method of restraining the young person is practicable. Once the crisis has ended, the young person should be removed from the cell. Depending on whether the child/youth is between 12 and 15 years of age, or over 16 years, there are different rules for allowable maximum time periods spent in secure isolation: youth under 16 cannot be held in secure isolation for more than eight hours in one day or 24 hours in any week and that the maximum length of placement for those 16 and over is 72 hours (three days) unless the regional director approves a further extension (CFS, Part VI, 127 part (4) (5) (6) (7) and Regulation 70, subsection 48.).

Provincial Advocate’s 2010 RMYC Report documented youth concerns about intrusive measures being overused at RMYC: lockdowns for periods of 48, 72, and 96 hours, and in some instances 10 days in a row (“They call 4A the lockdown range. We are always in our rooms.”); excessive use of force by staff (“I continued to do my chore when I was grabbed roughly from behind by one officer and forced up against the wall.”); and complaints about frequent searches.

2010 RMYC Action Plan

- Youth services officers are required to take refresher courses yearly to maintain and enhance their skills in verbal and, where necessary, physical intervention to control aggressive youth behaviour.
- Provide specialized training starting to help staff better manage aggressive behaviour.
- Ensure staff understand their responsibilities with respect to the use of secure isolation.

2010 RMYC Achievements Report

- Enhanced orientation material on staff responsibilities with respect to the use of secure isolation was developed by RMYC and delivered to all current Youth Services Officers and Youth Services Managers. The enhanced materials have been included in the orientation for all new, future staff.

A Staff are the “makers or breakers” of youth experiences

B Tension and violence undercut youth life

C Intrusive procedures and excessive force seem to be used “too much”

D Vital access to family and safeguards is undermined by problems

E Mixed story on food and basic care

F Rehabilitation and reintegration— are youth getting what they need to succeed?

“You have to say why you want to call your mom.”

For youth held at RMYC, where virtually every behaviour is controlled and monitored by staff, rules and procedures, being able to connect with family is an essential lifeline.

Telephone calls and visits are the two primary ways youth can remain connected to life outside of RMYC and find support to help manage the stressful effects of living in a youth justice facility. When youth leave facilities like RMYC, “[s]uccess in the community is often linked to supportive relationships that youth have with family and others”.²⁹ Regardless of the quality of the young person’s relationship with family, research has shown that visits can reduce the negative effects associated with being in an institution—youth commonly experience isolation and depression, and are at increased risk for suicide and self-harm during the initial period.³⁰ In Ontario, the CFSAs assures the right to family contact.

It is equally essential that safeguards be in place to enable young people to voice concerns *within RMYC* (using an internal complaints procedure, for example) and *outside RMYC* (by having access to someone like a lawyer or advocate). Similar to family contact, safeguards such as these are legislated in Ontario.

However, making contact with family, lawyers and the Advocate’s Office can be difficult for many reasons related to institutional rules and practices and/or family challenges. As well, voicing concerns and lodging formal complaints in any institution can be daunting and can precipitate repercussions for youth.

United Nations Report of the Committee on the Rights of the Child

Children's rights in juvenile justice

[The Committee] “. . . wishes to emphasize that, inter alia, the following principles and rules need to be observed in all cases of deprivation of liberty...

(d) The staff of the facility should promote and facilitate frequent contacts of the child with the wider community, including communications with his/her family, friends and other persons or representatives of reputable outside organizations, and the opportunity to visit his/her home and family;

(g) Every child should have the right to make requests or complaints, without censorship as to the substance, “to the central administration, the judicial authority or other proper independent authority, and to be informed of the response without delay; children need to know about and have easy access to these mechanisms...

(General Comment No. 10, 2007.)

The 2011 Review

During the 2011 Review, we asked youth if they had any problems contacting family, making complaints at RMYC, or reaching outside supports such as a lawyer or the Advocate's Office. We learned that youth experienced a variety of problems across all of these areas, despite the protections mandated in legislation, policies and procedures.

75% of youth commented on problems with family access. We asked youth questions about any obstacles they experienced in reaching their families by phone or having family visits. 75% of youth commented on problems ranging from being able to only make collect calls to parents whose phones can't accept them, to lack of privacy during weekend family visits, and visits being cancelled because of lockdowns. A theme emerged across many of the youth-identified obstacles: institutional rules and family realities don't match.

Range of issues regarding phone contact with families. When we asked, “Are there obstacles to calling your family?” more than half of the youth said “yes,” and offered 43 comments describing the kinds of issues they faced. These included problems with families not being able to accept collect calls, which is both an affordability issue and an access issue given that some families only have cell phones (which don't accept collect calls). Youth stated: “Some people's families can't afford collect calls”; “Collect calls—my family can't accept them”; “If the manager or social worker isn't here then they can't call”; “The level system decides how many calls

you get”; “Depends on staff”; “Can’t call brothers and sisters, cousins—just mother.” Youth also found that the time restrictions for calls sometimes made it impossible for working parents to call them. They also commented that other youth use intimidation tactics to control access: “Kind of afraid to ask for call—kids threaten and intimidate, ‘we run the phones here.’”

Almost half of youth say family challenges and RMYC procedures make visits difficult. Visits take place on weekends at RMYC, between the hours of 12:30 pm and 7:30 pm (unless an exception is made by the case management team). There are two types of visits: closed visits (glass barrier separates youth from visiting family members) and open visits (youth and family members are in the same room). RMYC staff are present during all visits. Based on the design of the visiting areas, the facility has the physical capacity to allow all youth to have a family visit each weekend.

Almost half of youth reported they faced obstacles to family visits. The limited weekend time frame makes it difficult for some families; those in which one or both parents work on the weekend, or families with limited transportation options, are particularly disadvantaged. Youth report their requests for family visits to take place outside of regular visiting hours can take “months” to be processed by the case management team. Through 34 comments, youth described the range of problems: “Distance, times available, come

early to be processed . . . they waste time escorting me late to see family, cuts into the actual visit time”; “Distance—too far for mother to get here”; “Staff are in the room. I feel like they are listening. It is an invasion of privacy and awkward for my family”; “They take it too far . . . my dad feels like he is a prisoner . . . ‘Take off your hat, jewelry, etc.’”; “Searches—if unit is getting searched and lockdown, can’t go to visit”; “Closed visits when you have young siblings”; “No physical contact allowed in open visits”; “They always say ‘quick, quick’—time limit.”

What does “family” mean? One youth questioned the rules regarding what constitutes a “family” when he said, “Not sure. [My] kid can come, but not baby mom can come. Very unfair.” Ministry policy lists the following as examples of family members: “parent/guardian, siblings, grandparents, other extended family.” During the interviews, youth commented that they themselves were parents (either mentioning having a baby as above or a baby “on the way”). It appears there are several problems with current Ministry policy and/or the way the policy is implemented at RMYC. First, “other extended family” is vague and subject to the interpretation of individual institutions and/or staff. Second, young people themselves have family relationships that were not anticipated in the policy: relationships with girlfriends, boyfriends, common-law partners, and children of their own. A more explicit and/or inclusive definition would allow youth to receive

additional family support and reduce some of the potential for confusion and conflict in this area.

Youth question the value of using the internal complaints process. Youth were asked, “Have you ever used the internal complaints process?” 27% of youth said “yes.” Of those, approximately 75% said they were not satisfied with the outcome, whereas approximately 25% said they were satisfied. Some youth believe their complaints about food have made a difference, while others said there were no improvements. A total of 36% of youth commented on problems with the internal complaint process, including problems with the availability of forms, written format, and lack of response and/or action on the complaint. Youth stated: “I used it more than 10 times and they only talked to me once. They just don’t follow up. For two months [there] were no purple papers [complaint forms]. We kept asking for them and finally [the Youth Liaison Coordinator] brought some”; “But takes a while for them to check it and never see anyone check it”; “Nothing’s going to happen. I don’t put it in the box anymore; I did two or three times”; “Felt like it wouldn’t make a difference. Complained before, didn’t make a difference.” Other youth have abandoned using the process, commenting, “Because they don’t do anything, I gave up” and “I used CRB [Custody Review Board] and the Advocate’s Office.”

Obligations on Others to ensure children and youth are informed and able to contact the Advocate's Office without delay

Obligations of service providers

18. (1) An agency or service provider, as the case may be, shall inform a child in care, in language suitable to his or her understanding, of the existence and role of the Advocate, and of how the Advocate may be contacted.

2007, c. 9, s. 18 (1); 2009, c. 2, s. 31 (1).

Same

(2) An agency or service provider, as the case may be, shall afford a child or youth who wishes to contact the Advocate with the means to do so privately and without delay. 2007, c. 9, s. 18 (2).

Same

(3) Every agency or service provider, as the case may be, shall, without unreasonable delay, provide the Advocate with private access to children in care who wish to meet with the Advocate. 2009, c. 2, s. 31 (2).

Source: Provincial Advocate for Children and Youth Act, 2007

The majority of youth know they have a right to contact the Advocate's Office but some are ridiculed, delayed or prevented from doing so. The vast majority of youth (92%) are aware of the Advocate's Office, reporting that staff informed them of their right to call and gave them the privacy to do so. 54% of youth said there are delays in being able to make calls: "Was made to wait until next day—denied call when first asked"; "[Staff say] 'When you are calm'." 19% of youth said they were prevented from calling the Advocate's Office: "Told me not allowed to call advocate when in SIU [secure isolation unit]"; or pressured to end call: "When I did call, the staff told me to hurry up."

When asked, "Do staff make fun of you when you ask to call the Advocate's Office?" 51% said "no" and commented that staff wouldn't or are not allowed to ridicule youth. 24% said staff made fun of them. 24% were N/A and 1% weren't sure. Youth repeated what staff had said: "Ooo—the Advocate—ooo—they can't do anything"; "You guys are pussies, go call the Advocate"; "You are being a snitch" (mentioned several times); "Staff call it the 'rat line'"; "You're 18. Why do you need to call the Advocate?"; "Sure go ahead, they're not going to do nothing for you."

The issues related to youth having access to internal safeguards such as a robust complaints process and external safeguards such as the Advocate's Office, mean that youth are not experiencing the "easy access" emphasized by the United Nations.

What has happened since the 2011 Review

Since the 2011 Review, some issues concerning access to family and safeguards appear to have been addressed, others remain, and new ones have arisen.

New phone rules still present some problems.

Following the 2011 Review, the Advocate's Office communicated concerns to RMYC that telephone access to family should not be dependent upon a youth's position in the incentive program.

On October 28, 2011, the Advocate's Office received numerous phone calls from youth at RMYC regarding a "new phone policy." Confirmed by RMYC senior management, all pay phones had been turned off and the new rules (which currently stand), are as follows: every youth is entitled to make one personal call a day (to someone on the approved contact list) between 3 pm and 9 pm. Professional calls (i.e. calls to lawyers, Ombudsman, Custody Review Board, Provincial Advocate and Members of Parliament) are permitted outside of these hours and not considered to be part of the "one phone call per youth" policy. If youth request more than one personal call per day, that request is forwarded to the case management team and addressed via the case management process. The "one call per youth" policy is automatic and does not depend on levels attained via the incentive program at RMYC.

As recently as fall 2012, reports from youth indicate that while they are given the opportunity to make one personal call per day during the regularly scheduled phone times, there are two circumstances that are causing difficulties. First, when family members are not available during the scheduled times—a parent working a night shift, for example—youth report that it is difficult to make alternative arrangements through the case management process. Second,

when a youth is OP (off program), he or she must fill out a separate request form to make the already-approved daily family phone call and the written request must be approved by the unit manager. This procedure violates the policy stated by RMYC management that the one phone call per day rule applies "equitably" to all youth at RMYC regardless of their position in the incentive program. The Advocate's Office raised this concern in October 2012 and while RMYC senior management recognizes the issue, they do not appear to be planning to change it.

Family visiting days are further restricted.

A poster hanging in the lobby at RMYC announced the following changes in visiting hours, effective July 21, 2012:

- Youth visits that are "secure/closed" are on Saturdays only, one hour duration, during the following five timeslots: 11:30, 12:30 13:30 [1:30 pm], 14:30 [2:30 pm], 17:30 [5:30 pm].
- Youth visits that are "open" are on Sundays only, one hour duration, same timeslots as above.
- No exceptions.

These hours limit the availability of visiting hours for families. Previously, both closed and open visits took place between "12:30 and 17:30 [5:30 pm]" on both Saturday and Sunday.

New system of “confirming” family visits is intended to reduce confusion.

At the end of September 2012, RMYC established a new system to help reduce confusion regarding family visits. Information regarding confirmed visits is now provided in writing and placed in the youth's file so that if there is any confusion on the day of the visit, the young person has access to the written confirmation.

Request for the definition of family to be reviewed.

The Advocate's Office has requested that the regional office of the Ministry of Children and Youth Services review RMYC's definition of “family” to ensure it is current, inclusive and responsive to youth circumstances. The Advocate's Office has communicated all of the issues related to family access to the Ministry of Children and Youth Services; we have been advised that the Ministry is currently reviewing RMYC policy with respect to visits in order to address many of these concerns.

RMYC memo reminds staff that youth are to be given “unrestricted access to call or visit with Advocate staff.”

In a September 24, 2012, memo, RMYC senior management reminded staff that all youth at RMYC (including those placed in secure isolation) are to be allowed “unrestricted access to call or visit with Advocate staff.” The memo also reminded staff that any youth phone calls to the Advocate's Office and/or lawyers are not to be counted as part of their daily phone call allotment.

As of the end of fall 2012, youth continue to report problems gaining access to the Advocate's Office.

In summary

Standards and protections in legislation, policies and procedures are meaningless if they are not carried out in practice. Practices at RMYC do not always meet these standards. Facilitating access to families is essential; visiting hours have been further limited. Problems with cancelled visits, last minute changes, and the limited definition of family, reduce rather than increase access.

When things go wrong, youth want and need support and assistance from their families, all the more so when access to internal and external safeguards is problematic. Problems with the internal complaints procedure—youth don't see its value because “nothing changes”—coupled with the ways youth are obstructed and discouraged from contacting the Advocate's Office, contribute to youth being left without supports inside the walls of RMYC. Challenges regarding intrusive measures being used “too much” (i.e. locking youth in their rooms, secure isolation, physical restraints) also segregate youth, making access to family and safeguards even more vital. At the time when youth should be connecting with the outside world and planning for their futures, it appears they are being isolated by an institution that is having difficulty keeping sight of its overarching goal of successful rehabilitation and reintegration—and its critical role in promoting, rather than limiting, access to families and safeguards.

54% of youth said there are delays in being able to call the Advocate's Office.

Legislation, Policy and Procedures

Child and Family Services Act (CDSA)

A child in care has a right...to speak in private with, visit and receive visits from members of his or her family regularly (CDSA C.11 Sect. 103 (1)).

A service provider . . . shall establish a written procedure, in accordance with the regulations, for hearing and dealing with complaints regarding alleged violations of the rights under this Part of children in care (CDSA 109. (1)).

Provincial Advocate for Children and Youth Act, 2007

An agency or service provider, as the case may be, shall inform a child in care, in language suitable to his or her understanding, of the existence and role of the Advocate, and of how the Advocate may be contacted.

An agency or service provider, as the case may be, shall afford a child or youth who wishes to contact the Advocate with the means to do so privately and without delay.

Every agency or service provider, as the case may be, shall, without unreasonable delay, provide the Advocate with private access to children in care who wish to meet with the Advocate (Provincial Advocate for Children and Youth Act, 2007, Section 18).

Youth Justice Services Manual (YJSM)

Regarding visits with family:

- *visits may not be withheld as a form of discipline.*
- *private visits will take place in a location where the visit can be observed by staff for safety and security reasons but conversations cannot be overheard by staff.*

Examples of family members are: *parent/guardian, siblings, grandparents and/or other extended family*

“exceptions” to conventional visiting hours that include difficult to prevent circumstances like travel and consideration for visits where an exception is in the best interests of the young person (YJSM, Section 5.11).

Regarding telephone access:

- *The Youth Centre Administrator shall establish policies and procedures describing reasonable access to telephones and telephone use that include. . . [series of considerations related to who, when, how, etc.] (YJSM, Section 5.12).*

Regarding rights and safeguards:

- *Written policies and procedures detailing how young persons and their parents/guardians will be informed of their legislated rights are developed, implemented and maintained, and minimally include: right to legal counsel, right to be informed, right to be heard (YJSM, Section 4.0).*

Provincial Advocate's 2010 RMYC Report documented youth concerns about making telephone calls to family (youth could only make collect calls and financially-constrained parents or those using cell phones could not accept them); numerous cancelled family visits; contacting the Advocate's Office and lawyers (delays, refusals, lack of privacy during calls); and, a lack of clarity regarding how youth complaints are addressed.

2010 RMYC Action Plan

- *Written complaints are reviewed by managers daily and indicators are now in place to regularly track youth complaints.*
- *The Relationship Custody Framework “values the importance of youth having input into matters that involve them (e.g. the definition of problems and the defining of solutions).”*
- *In order to be effective, the Roy McMurtry Youth Centre must track and monitor its outcomes. . . Tracking progress at the centre helps to identify areas that need further work. It also ensures any concerns raised by youth, staff or through the Provincial Advocate for Children and Youth are addressed in a timely manner.*
- *The Centre continues to meet regularly with the Provincial Advocate for Children and Youth to address concerns about living conditions and safety. A new Youth Liaison Officer ensures regular contact with the Provincial Advocate for Children and Youth. Youth can now register complaints verbally and in writing. Written complaints are reviewed by managers daily. As well, Local Employee Relations and Health and Safety Committees have been established for staff to raise concerns and offer potential solutions to issues.*

2010 RMYC Reported Achievements

- **Youth Liaison Co-ordinator** -- *The position was put into place to improve youth/staff communication regarding complaints, to meet regularly with –staff from the Office of the Provincial Advocate for Children and youth and to co-chair, with a youth, the Youth Advisory Committee within the facility.*

A Staff are the “makers or breakers” of youth experiences

B Tension and violence undercut youth life

C Intrusive procedures and excessive force seem to be used “too much”

D Vital access to family and safeguards is undermined by problems

E Mixed story on food and basic care

F Rehabilitation and reintegration— are youth getting what they need to succeed?

Food

“Keeps you alive, but never full.”

All children and youth, regardless of their circumstances, have rights and protections regarding basic survival and development, including access to medical care, leisure and play. The CFSA sets a number of standards in this area including: “A young person in care has the right to receive well-balanced meals of good quality that are appropriate for the young person” (CFSA, s. 105(2)(b)).

This applies to youth detained in youth justice facilities such as RMYC. Meeting basic care needs, including providing well-balanced meals, warm blankets, access to fresh air and recreation, and appropriate personal hygiene items is non-negotiable; entrenched in legislation, the well-being and healthy development of young people is critical to their successful rehabilitation and reintegration.

Since RMYC’s opening in 2009, youth have consistently voiced concerns about the quality, portions, handling, timing and availability of meals, including breakfast. Since food issues have garnered a lot of attention—both because of youth complaints and extensive RMYC follow-up—we examine food first, followed by basic care issues.

RMYC has actively responded to food complaints—crafting and implementing a variety of solutions to address numerous problems. While RMYC appears to be committed to solving food-related issues on a long-term basis, some of the responses have ended up reflecting a pattern of RMYC attempting to address issues but failing to monitor and follow-up on its efforts. The result is a reoccurrence of the same problems, such as RMYC’s continuing failure to consistently provide breakfast on weekends, despite the *Youth Justice Services Manual* rule which states, “... three regular meals (breakfast, lunch and dinner) are provided daily of which at least one is hot. If there is an altered routine on the weekend which includes a brunch, a supplementary breakfast must be made available” (See Appendix C: Food Services - *Youth Justice Services Manual*).

The 2011 Review

During the 2011 Review, we asked youth nine questions regarding food, ranging from “Do you get enough to eat?” to “Do you have any comments about the quality of the food here?” and “Is the withholding of food ever used as a punishment?” Food is important to youth at RMYC; second only to the number of comments regarding staff, food received extensive attention.

Special diet requirements are generally accommodated; portion sizes questioned. When we asked, “Do they accommodate your special diet?” 68% of youth said “yes,” 5% said “no,” 11% stated “sometimes” and 16% didn’t know. Youth raised issues regarding the portion sizes in general. Regarding special diets, one youth stated, “I told them I wanted Halal food but I never got it; Halal meals are smaller than the regular meals here and no seconds allowed.” Another youth remarked, “Halal get less food. . . I get less than others” and said that when he raised it with staff, they responded, “It is not up to us, it is up to provincial” suggesting there is a rule beyond RMYC that determines portion sizes for special diets. The *Youth Justice Services Manual* states: “provisions are made for special

dietary requirements and modified meal schedules, including . . . religious diets identified by the young person or his/her parent/guardian or chaplain/faith leader, including fasts of recognized faith groups” (Section 10).

Weekend meal times are too far apart. We heard many complaints regarding the amount of time between meals on weekends. On Saturday and Sunday at RMYC, the first meal is generally served between 11:00 and 11:30 am and dinner—the only other meal of the day—is served at the usual time between 4:00 and 4:30 pm. The result is a potential gap of 19 hours between meal deliveries. This meal schedule conflicts with several rules in the Ministry’s *Youth Justice Services Manual* (Section 10.2).

Over 1/3 of youth believe food handling is not hygienic. There were also 23 comments about food not being cooked properly. One youth stated, “. . . fingers and chicken aren’t cooked all the way through. Last thing I want is to catch salmonella.” Others said: “[Never]—sausage, majority of every meat product not cooked properly, sometimes sour milk”; “Food is not good—I got sick three times.” The *Youth Justice Services Manual* Section 10.3 Hygiene and Sanitation states the guidelines for preparing and storing foods.

Role of RMYC Youth Advisory Committees (YAC)

It is our understanding that RMYC has two internal Youth Advisory Committees (YAC)—one for male units and one for female units. Generally there is one youth representative from each unit on the committee. Youth on any incentive level can apply to become a representative and staff can also recommend youth for the positions. Youth are asked to share why they wish to sit on the committee and both the unit social worker and unit manager have input into the application. The applications are then reviewed by the youth liaison manager and the volunteer coordinator. There is no limit to the amount of time a youth can serve on YAC. Meeting every other week, YACs help to inform RMYC administration of current issues flagged by youth. RMYC does not have to act on YAC recommendations.

What has happened since the 2011 Review

RMYC acknowledges longstanding food problems and takes action; problems persist.

On October 3, 2011, the Advocate's Office met with senior management at RMYC in order to present the food concerns identified in the 2011 Review. At that time, RMYC confirmed some of the problems with the food preparation system, which included poor timing of meals arriving on the units and staff forgetting to plug in the food carts, resulting in cold meals and possible health risks. RMYC also acknowledged there were other problems with food, including: food choices available; how foods were paired together; current food preparation methods; and cultural considerations.

RMYC put forth solutions at the meeting, including: hiring a consultant to provide recommendations, with a possible change in providers; having the youth liaison manager conduct an internal survey (already in process at the time of the meeting); reviewing all food complaints reported through RMYC's internal complaints process and complaints made to the Advocate's Office over the past four to five months; and including questions about food in exit interviews conducted with youth during the discharge process. RMYC reported that 17 interviews had already been completed: eight youth said they

received "enough" food; five stated "not enough"; and one youth stated "sometimes" there was enough food. RMYC also reported that youth made many negative comments about the food.

As well, RMYC related that fresh fruit and granola bars were available in the common areas on all units at all times; senior management further stated it is RMYC policy to have fruit, milk, juice and water always available to youth.

After the meeting, the Advocate's Office was taken on a tour of six living units. The two female and four male units each had baskets containing fruit.

Yet, youth continued to contact the Advocate's Office reporting that food was not freely and consistently available between meals; its availability was dependent on staff.

In response to continuing youth complaints throughout periods of 2012, the Advocate's Office continued to raise concerns about food issues, including: availability of food between meals; the timing/operation of food carts; and the length of time between the 4 pm dinner and 11 am weekend brunch—the latter contravening the *Youth Justice Services Manual* policy. RMYC offered to review the availability of food (fruit, juice, toast) on the units.

In subsequent meetings, the Advocate's Office checked on the progress and whether RMYC had spoken directly with youth about access to food. We were informed that RMYC had confirmed its availability, but had not asked youth directly.

RMYC reports progress on food issues.

In the fall of 2012, approximately one year after the Advocate's Office presented issues relating to food from the 2011 Review, the Ministry and RMYC senior management provided a written update:

- RMYC has conducted contests like "Iron Chef" to expose youth to a variety of different foods in a fun way.
- Food is available between meals.
- As a result of the internal food survey (mentioned above), the menu is now changed on a four-week rotation; certain foods that were not rated well by youth have been eliminated and the menu for male and female units is now different.
- To address the 19-hour gap between the 4 pm dinner and the 11 am weekend brunch, an October 2012 RMYC senior management memo to staff added the option of an early morning breakfast on weekends: "Please ensure that each unit has adequate provisions and that youth are given access to a cold breakfast on

brunch days, including the options of cereal and toast. The "optional" breakfast should be available to youth on request up until one half hour before brunch service."³¹

- Following up on the RMYC food consultant's 2011 recommendation to implement a new food delivery system, RMYC piloted the new system on two units in the fall of 2012. Feedback from youth was not positive; poor design of the food trays in keeping food hot was one identified issue. RMYC has gone back to the drawing board and continues to work on obtaining an effective food delivery system.

Food problems continue.

In October of 2012, the Advocate's Office received complaints from several youth regarding food, including comments about undercooked meals; small portions; being denied seconds; lack of filling snacks between meals and staff refusing to heat up meals or not allowing youth to make toast. Youth continue to report that access to food is dependent on who is on shift. Youth also complained that some staff still bring take-out food onto the units and eat it in front of youth, a complaint we first heard in 2009.

At the time of this report's completion, Advocate's Office staff visited several living units at RMYC and noted there were no toasters available. Despite

RMYC senior management assurances that breakfast was available and youth were now able to make themselves toast, no toasters were seen. Youth and staff also confirmed that toasters were not available.

RMYC efforts to address food issues exemplify its difficulty in following through with implementing and then monitoring the effectiveness of its solutions. While there is no doubt food issues have received concerted attention from RMYC and some progress has been made, including the use of some creative strategies directly involving youth, there appears to be no direct follow-up with youth to ensure the solutions are actually remedying the problems they were intended to address. It seems reasonable to check back with the youth voicing the concerns—this might have helped to prevent the cycle of youth voicing the same (or similar) complaints about food, beginning when RMYC first opened, heard again during the 2011 Review and again through youth calls made to the Advocate's Office in 2012.

Legislation, Policy and Procedures

Legislation and policy along with research all make definitive statements about the importance of nutrition, adequate amounts of food and food quality for children's physical development, cognitive functioning and long-term health.

In 2007 the Ministry of Children and Youth Services released a report entitled *Healthy Eating Matters: Food and Nutrition Toolkit for Residential Care Settings*. Designed to "support licensed residential service providers in meeting the nutritional needs of children and youth (aged 3-18) in their care," *Healthy Eating Matters* provides the following guidelines:

Licensed residential settings have the ability to make a positive impact on the children and youth in their care; children and youth who develop life skills and healthy eating habits now are more likely to eat nutritious foods throughout their lifetime, thus reducing the risk of obesity and diseases such as diabetes, osteoporosis, heart disease and certain types of cancer.

Healthy Eating Matters also specifies:

- *Regularly ask for input from children and youth for menu planning (if appropriate).*

- *Do not wait longer than 3-4 hours between meals for older children and youth.*
- *Be mindful of cultural considerations.*
- *Be aware that Canada's Food Guide is based on low activity levels; teens who are active (60 minutes or more each day) and/or are going through a growth spurt may require more servings.*

Child and Family Services Act (CDSA)

Right to Receive Appropriate Nutrition:

A young person in care has the right to receive well-balanced meals of good quality that are appropriate for the young person (CDSA, s. 105(2)(b)).

Youth Justice Services Manual (YJSM)

With a detailed list of policies and procedures governing food and nutrition, the YJSM requires youth justice facilities to serve foods that are nutritionally balanced and of adequate portion size; served at set times every day and no more than 14 hours apart; and that are reflective of the cultural diversity of youth in the institution. The YJSM also states that deprivation of food or using food as a punishment or reward is strictly prohibited (YJSM, Section 10.2). (Please see Appendix C for more detailed information.)

Provincial Advocate's 2010 RMYC Report

There were a significant number of negative comments about food documented in the *Advocate's 2010 RMYC Report*. One youth stated, "The food is not the best and they don't serve us that much." In response to the report, both Ministry and RMYC staff stated that, among other measures, "Complaints from youth related to food, lighting, pillows and room temperatures were addressed," and "A more robust internal complaints process was introduced".

2010 RMYC Action Plan/Achievements

Food matters were not specifically addressed in *RMYC 2010 Action Plan or Action Plan Achievements*.

However, the *2010 Action Plan* does state that youth need, "high-quality services and supportive environments to achieve success". By extension, the provision of healthy and well-balanced meals is part of service quality and also contributes to a supportive environment for youth.

YJSM requires that food be served at set times every day and no more than 14 hours apart...

Basic Care

“the stuff they give you - gives you a rash”

Before RMYC opened, the Ministry of Children and Youth Services' Diversity Subcommittee helped plan for and anticipate the needs of the youth who would be housed at RMYC.

In 2008, in preparation for RMYC's opening, the Diversity Subcommittee made suggestions related to the quality and cultural appropriateness of hygiene products:

- Hygiene kits should contain better quality items than the standard, industrial-type products that are drying to the skin or irritating to some skin types

- Youth should be allowed to suggest items and that the current generic (MCS/MCYS directly operated) list be adjusted to reflect the specific developmental and diverse needs of RMYC youth

The Diversity Subcommittee was disbanded in 2008 and it appears that these suggestions were not implemented at the time of the opening.

The 2011 Review

During the 2011 Review, we asked youth at RMYC several questions about basic care and amenities, including questions regarding medical/dental care, access to fresh air, clothing, bedding and hygiene products.

Youth are satisfied that clothing and bedding is appropriate and clean. Almost all youth interviewed said they were generally satisfied that the clothing received at RMYC is appropriate and laundered regularly. All youth interviewed said that they received adequate sheets and blankets.

73% of youth spend recreation time outdoors all or most days. When we asked, “Do you get to go outside for recreation on a daily basis?” 50% of youth said “all of the time,” 23% stated “most of the time,” 15% reported “some of the time,” 8% said “almost never,” 1% stated “never” and 3% said “don’t know” or “N/A.” “If you choose to go,” commented one youth, while another stated, “[There is] a rec. period to gym or courtyard . . . could go every day.”

68% of youth are satisfied with medical/dental care but waits can be lengthy. 68% of youth said they were “satisfied” with medical and dental care, 6% were “not satisfied,” 7% said “don’t know” and 19% stated they were on a wait list for those services. Wait times for the dentist were described as anywhere from several weeks to six months. Youth commented on wait times (three days to two weeks) to see a medical doctor and reported that appointments were dependent upon how many other youth required medical care at the same time. One youth commented, “[There is] a wait list but not too long. Yes, but prescribed meds don’t come at the right time. . . . I have talked to the nurses and staff, but

no change.” Four youth complained about the length of time it takes to see an eye doctor, including the following comments: “two weeks” to “three months” to “still waiting.”

Almost half of youth commented on problems with hygiene products including poor quality. When we asked, “Are you given the hygiene products that you need?” 78% of youth said “yes,” 16% stated “no” and 4% reported “sometimes.” However, 37 youth (about half) commented on the poor quality of the products, including complaining about skin rashes and combs that don’t comb through hair properly. Comments were similar: “They suck. 4-1 shampoo is gross, the toothpaste is gross”; “. . . the toothpaste is disgusting, deodorant give you rash . . .” These comments echoed those made by youth in 2009.

There were also comments about the expense of hygiene products available from the Canteen. (Canteen is a weekly program at RMYC that allows youth to purchase items up to a maximum of \$60 per week from their own accounts.) One youth stated, “You have to buy [hygiene products] . . . you are only given toothpaste and body wash and cheap deodorant that causes rashes. You have to earn [it] . . . you have to get Tuck points (part of the incentive system; please see below). If you don’t get those you have to use the cheap stuff. I had to wait till I got to my next level to get good toothpaste.”

Cold comfort

The struggle to stay warm at RMYC

Several youth contacted the Advocate's Office in fall 2012 to complain about being cold at RMYC. All of the youth had been given the standard-issue blanket in their rooms, but had asked for extras because of the cold.

Youth reported that they were denied extra blankets. When the Advocate's Office relayed this story and other similar youth complaints to RMYC senior management, we were informed that the cold temperatures on the units were due to a seasonal lag in the heating system that would shortly be remedied. RMYC senior management assured us that all youth should indeed be warm and that they would be supplied with enough blankets to ensure warmth.

Youth complaints about being cold and not having enough blankets continued over several weeks.

There is a Tuck program at RMYC that is connected to the behavioural incentive program; some hygiene products are available through Tuck. The *RMYC Youth Orientation Booklet* provided to all youth upon admission explains:

Tuck will be offered to youth based on their level within the unit. This is an opportunity to purchase similar items [to Canteen] without having money in an account. Each week youth accumulate points based on your level during that week. You may choose to spend these points [at the Tuck program].

According to reports from youth, the items available in the Tuck program and the Canteen program are not the same.

Problems with access to culturally appropriate products for black youth. The *Youth Orientation Booklet* states, “shampoo appropriate for all cultural groups” is provided at no cost to all youth. Several youth complained that the shampoo is not suitable for black youth and there is a lack of appropriate products overall. “... The shampoo does not work well with black hair,” said one youth. Others stated, “I need products for black hair.”

Some black youth said they felt penalized because they could only access or purchase appropriate and/or better quality hair and other hygiene products through either the RMYC Canteen or Tuck programs. One youth stated, “But I need hair stuff—[have to] wait till Canteen, not fair especially for African-Canadians, your hair gets dry—why have to wait over a month?” It appears that the system for providing access to additional hygiene products creates an inequity for youth who do not have access to funds to purchase Canteen items or who have not reached the desired step in the incentive program.

The quality of hygiene products at RMYC, as well as the lack of culturally appropriate products for black youth, who make up a significant portion of young people at the facility, has been one of the more protracted issues repeatedly raised by the Advocate's Office in response to recurring youth complaints.

What has happened since the 2011 Review

RMYC explains medical policy, but does not directly address youth wait times.

RMYC medical staff, contacted in June 2012 about medical appointments for youth, reported that a medical doctor is available Monday mornings from 9 am until 12 noon, Wednesdays from 9 am until 4 pm and every other Friday from 9 am until 4 pm. When youth are admitted to RMYC they are seen by a nurse, and if any medical issues exist, they will be placed on the list to see the next available doctor. If there is a major medical concern, the physician on call will be contacted. RMYC also advised that youth will be seen by a doctor if any concerns arise. Youth may complete a facility request form to make an appointment or can ask the nurse at any time to be seen. Physical examinations are done yearly but youth can see a doctor as needed.

Culturally appropriate hair products are now available.

In early June 2012, the Advocate's Office met with RMYC senior management to again raise concerns about hygiene products, especially hair care products for black youth. RMYC advised that it would conduct youth surveys regarding products appropriate for black hair. In September 2012, the Ministry informed the Advocate's Office that culturally appropriate hair products would be available on every unit at RMYC by September 30, 2012. The Advocate's Office has confirmed this has occurred.

There have been no changes to improve the quality of other hygiene products.

Simple, achievable standards are thwarted by bureaucracy.

During the 2011 Review, youth stated they were satisfied with the bedding supplied to them by RMYC. However, as the above account shows, in fall 2012, the Advocate's Office received several complaints from youth regarding cold temperatures on RMYC units. Rather than address the basic standard regarding warmth, RMYC staff adhered to a rule—i.e., “two blankets per youth”—that did not fix the problem, resulting in an absurdist series of events. These kinds of readily-addressed individual issues could be quickly solved by focusing on the principle involved: youth should be warm. Instead, the focus becomes “blanket counting” rather than problem solving. This small-scale challenge embodies RMYC’s larger-scale challenge of addressing issues in ways that ensure problems are resolved and do not recur a week, a month or a year later.

In summary

“The Roy McMurtry Youth Centre in Brampton, like others across the province, was designed and built specifically to meet the needs of youth who must be held in custody.”³² Yet, the basic care needs of youth are not being consistently met at RMYC. At different times, youth have been largely satisfied with clothing, bedding and the health care they receive. The majority of youth are spending recreation time outdoors. RMYC is generally meeting legislated basic standards of care in these areas.

The provision of adequate food and appropriate hygiene products has been problematic since RMYC opened. Making food available between meals, particularly during the long hours between weekend meals, ought to be an easily achievable solution. Also, providing hygiene products that are culturally appropriate and non-irritating to skin, ought to be another easily achieved solution. Some of these issues were flagged before RMYC opened by the Ministry’s Diversity Subcommittee, but they were not addressed. Instead, they became the subject of youth complaints for nearly three years. Blankets—not mentioned as an issue in 2011—became a problem when youth were cold in fall 2012. RMYC rules put the focus on blanket counting, not on warmth.

Every institution needs rules and procedures; RMYC must take stock of how and why its rules and problem-solving processes are preventing, rather than facilitating, meeting the basic care needs of youth.

Previously, we heard positive stories about staff and youth cooking together on some of the units. Likely RMYC’s own staff, other facilities and community agencies operating residential programs, have additional ideas and successes to offer. Relationship Custody—intended to promote positive staff-youth relationships and involve youth in problem-solving—is a natural vehicle that could become part of a comprehensive strategy designed to meet the basic care needs of young people at RMYC.

Simple,
achievable
standards are
thwarted by
bureaucracy.

United Nations Convention on the Rights of the Child

All children and youth, regardless of their circumstances, have clear rights and protections regarding basic survival and development, access to medical care, and leisure and play. This includes all youth detained in youth justice facilities. The *United Nations Convention on the Rights of the Child* (UNCRC) states in Article 3:

States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

The UNCRC also recognizes children and youth rights' to the "highest attainable standard of health care" and to access to health care services (Article 24) as well as to "engage in play and recreational activities appropriate to the age of the child" (Article 31).

Child and Family Services Act (CDSA)**Right to Receive Medical and Dental Care (CDSA, s. 105(2)(d), s.106)**

*A young person in care has the right to receive medical and dental care at regular intervals and whenever required, in a community setting whenever possible. Subject to certain restrictions (CDSA, s.106), the parent of a young person retains any right(s) he/she may have to give or refuse consent to medical treatment for the young person.**

Right to Appropriate Clothing (CDSA, s.105 (2) (c))

A young person in care has the right to be provided with clothing that is of good quality and appropriate for the young person, given the youth's size and activities and prevailing weather conditions.

Youth Justice Services Manual (YJSM)

An extensive list of policies and procedures governing the provision of health care to youth is presented, including a specific reference to the above CDSA. The manual states, among other requirements, that upon admission to the facility, youth should be examined/treated by a qualified health care practitioner and should receive an annual health, vision, dental and hearing conditions assessment (YJSM, Section 11.2). (Please see Appendix D for more detailed information.)

Provincial Advocate's 2010 RMYC Report

The Advocate's Office has been receiving complaints from youth about basic standard of care issues since July 2009, including medical care complaints, access to bedding concerns, and comments about lighting. In September 2009, one youth stated, "I did not get my medication last night because there was a nurse shortage." Another complained in February 2010, "I can't get any clothes that fit." Between December 1, 2009 and January 22, 2010, youth complaints about standards of care, including quality of hygiene products increased by 10%. In February 2010, RMYC reported to the Advocate's Office that complaints from youth related to food, lighting, pillows and room temperatures had been addressed.

2010 RMYC Action Plan/Reported Achievements

Basic care issues, including medical and recreation complaints were not addressed in *RMYC 2010 Action Plan or Action Plan Achievements*.

**All children and youth,
regardless of their circumstances,
have clear rights and protections...**

* This is superseded by the Health Care Consent Act, 1996 – a person of any age is presumed to be capable of making their own medical decisions.

A Staff are the “makers or breakers” of youth experiences

B Tension and violence undercut youth life

C Intrusive procedures and excessive force seem to be used “too much”

D Vital access to family and safeguards is undermined by problems

E Mixed story on food and basic care

F Rehabilitation and reintegration—are youth getting what they need to succeed?

“. . . [they should] try to keep you from coming back.”

The opening of the Roy McMurtry Youth Centre on May 28, 2009, closely followed the Ontario government’s introduction of a new youth-centred approach, now completely separate from the adult system. With RMYC as its flagship youth justice facility, the government stated RMYC would, “. . . provide youth with specialized services and programs that will help them make the transition back into their community better-prepared to make the right choices and a positive contribution to society” (Ontario Government Newsroom).

In March, 2010, RMYC’s *Action Plan* reaffirmed this premise, stating: “Ontario’s goal is to reduce the chances that a youth in conflict with the law will re-offend. . . . Studies show that providing youth in conflict with the law with meaningful supports and services . . . helps to steer them away from crime, make better choices and lessens the likelihood they will re-offend.”³³

Along with accountability, rehabilitation and reintegration are key principles of the *Youth Criminal Justice Act* (YCJA), the federal backbone for Canada’s approach to youth justice (see box on page 74). In Ontario, the *Child and Family Services Act* (CDSA) directs implementation of these principles and standards. The primacy of rehabilitation is emphasized in international standards³⁴ such as the United Nations *Standard Minimum Rules for the Administration of Juvenile Justice and Rules for the Protection of Juveniles Deprived of their Liberty*.³⁵

Excerpts from Canada's Youth Criminal Justice Act:

3. (1a) the youth criminal justice system is intended to protect the public by

- (ii) promoting the rehabilitation and reintegration of young persons who have committed offenses
- (iii) supporting the prevention of crime by referring young persons to programs or agencies in the community to address the circumstances underlying their offending behaviour;

3. (1c) within the limits of fair and proportionate accountability, the measures taken against young persons who commit offences should

- (i) reinforce respect for societal values,
- (ii) encourage the repair of harm done to victims and the community,
- (iii) be meaningful for the individual young person given his or her needs and level of development and, where appropriate, involve the parents, the extended family, the community and social or other agencies in the young person's rehabilitation and reintegration, and
- (iv) respect gender, ethnic, cultural and linguistic differences and respond to the needs of aboriginal young persons and of young persons with special requirements; and...

83. (1) The purpose of the youth custody and supervision system is to contribute to the protection of society by

(b) assisting young persons to be rehabilitated and reintegrated into the community as law-abiding citizens, by providing effective programs to young persons in custody and while under supervision in the community.

90. (1) When a youth sentence is imposed committing a young person to custody, the provincial director . . . shall, without delay, designate a youth worker to work with the young person to plan for his or her reintegration into the community, including the preparation and implementation of a reintegration plan that sets out the most effective programs for the young person in order to maximize his or her chances for reintegration into the community.

The Ministry's *Youth Justice Services Manual (YJSM)* declares as its mission, "We will make a difference to children and youth at risk in Ontario by improving outcomes through supporting a continuum of evidence-based programming and building strong partnerships with youth, families, communities and governments" (Section 1.4). Regarding programming, the YJSM also provides standards, which, among others, minimally include: "... provision of programming from the time young persons are scheduled to get up in the morning until the time they are scheduled to go to bed at night" (Section 7.0).

These standards require youth justice facilities to focus on supporting youth to re-enter society as responsible, contributing individuals. The prescription for success typically includes a focus on education, skill development and other programs and supports specifically targeting the characteristics/needs of youth (such as those who require anger management and gang exit programs), all delivered through a strong case management process involving the youth, his/her family, probation officer and appropriate community agencies.

The American-based Juvenile Detention Alternative Initiative (JDAI) has developed a series of comprehensive, evidence-based standards for achieving successful rehabilitation and reintegration, including the following:

B. Exercise, Recreation and Other Programming

1. Staff keep youth occupied through a comprehensive multi-disciplinary program. Staff post and adhere to a daily schedule of activities in each living unit that incorporates both structured and free time. Staff log the date and reasons for any deviations from scheduled activities.

4. Staff, volunteers, and community groups provide additional programming reflecting the interests and needs of various racial and cultural groups within the facility, and is gender-responsive. The facility offers a range of activities such as art, music, drama, writing, health, fitness, meditation/yoga, substance abuse prevention, mentoring, and voluntary religious or spiritual groups. When possible, programming is provided by community-based programs that offer the opportunity for continuity once the youth is released.

8. Youth are out of their rooms except during sleeping hours and for brief periods of transition, such as shift changes. For the majority of time that youth are out of their rooms, they are participating with staff or volunteers in structured recreational, cultural, or educational activities. Youth are also provided with some unstructured free time as well.

D. Positive Behaviour Management

5. To the extent possible, the culture of the institution emphasizes rewarding success in lieu of focusing on or punishing failure.

Facilities like RMYC need to concentrate on youth safety and security and providing proper supports. This requires *knowing* the youth in their care and *involving* them in determining and addressing their rehabilitation and reintegration needs through effective programming and case management. As well, *connecting* with the appropriate community support agencies both during incarceration and reintegration is critical.

In 2006, before RMYC opened its doors, Ministry staff and community professionals from a range of organizations and services worked together to “anticipate the demographics of the population it would serve.”³⁶

As members of the RMYC Diversity Subcommittee, they produced a report with numerous suggestions relating to rehabilitation and reintegration:

- Ensuring staff cultural competence in hiring and training
- Forming linkages between RMYC and community agencies/stakeholders to facilitate joint programming with youth services officers
- Creating parenting workshops for youth who are parents, with a link to agencies in their communities for continued support upon release
- Instituting an employment program so that every youth leaving RMYC would have a resume
- Providing for the “broadest” possible provisions to support family visits

The Diversity Subcommittee was disbanded in 2008; it does not appear that many of these suggestions were implemented upon RMYC’s opening. The following excerpt from the literature review regarding rehabilitation for *The Review of the Roots of Youth Violence* highlights the need to get programming right; that report’s findings regarding what works and what doesn’t are presented below.

Some authors suggest that the effects of prison may wipe out the effects of programming (Webster, 2004: 116). Although it has been contended here that effective treatment can be offered both within and outside the walls of a correctional facility, there is evidence that being imprisoned elicits negative effects. However, if it is decided that imprisonment is the most appropriate choice of punishment, it is suggested that rehabilitative efforts are a requirement in order to combat negative effects of prison.³⁷

Review of the Roots of Youth Violence “What Works in Rehabilitation”

What is Effective:

- Targeting the changeable characteristics of offenders that are directly linked to offending, such as drug use, anti-social attitudes and behaviour, and poor anger management.
- Programs that maintain high program integrity through adhering to original program design and monitoring program implementation and offering comprehensive training to staff.
- Programs that adhere to the principles of risk, need and responsivity.
- Community-based treatment, although this does not preclude success in correctional facilities as well.
- Community residential programs for institutionalized offenders.
- Teaching family homes within correctional settings.
- Treatment that is delivered by service providers other than criminal justice personnel.
- Cognitive-behavioural approaches.
- Individual counselling, group counselling and guided group therapy.
- Family therapy.
- Multi-systemic therapy (MST).
- Inter-personal skills training.
- Programs that are longer than six months but, at the same time, have reduced contact hours for youth being treated in the community.
- Programs that have been well established (i.e., that have been in existence for more than two years).

What Doesn't Work:

- Deterrence-based strategies such as boot camps and Scared Straight.
- Incapacitation without treatment.
- Early release probation and parole.
- Programs that have been implemented poorly.
- Mixing high- and low-risk offenders together.
- Wilderness challenge programs and other programs that are lacking in theoretical grounding.
- Milieu therapy (where the program environment is intended to be therapeutic).
- Vocational training.
- Home confinement.
- Unstructured or vague individual counselling.
- Intensive supervision programs without a treatment component.
- Restitution programs without a treatment component.
- Transfer to adult court and adult institutions.
- Token economies (where chores and good behaviour earn privileges and rewards).
- Drug treatment programs within institutionalized settings.
- Employment-related programs among institutionalized youth.

Source: Review of the Roots of Youth Violence, Volume 5, pp. 334-336.

The 2011 Review

RMYC is responsible for implementing programs that work, including “... the supports and opportunities needed for youth to succeed and realize their full potential.”³⁸ Is RMYC meeting national and international standards, and following the mission of the Ministry’s Youth Justice Services Manual? During the 2011 Review, the youth interviewed provided comments and insights into school, programming and other related matters.

School is valued by youth. 77% of youth indicated that they attend school at RMYC. Even though some youth identified concerns about violence connected to school, many commented on the helpfulness of teachers and other positive elements. When we asked, “Do you think the schooling you receive here will help you once you are back in the community?” 75% of youth said “yes.” Youth comments included: “Better than regular high school . . . eight kids to one teacher . . . Should have come to jail for all high school”; “I like it . . . It is easy and they help you and you take it at your own pace”; “I haven’t been in school for a long time so going to school here is good”; “I wish the school staff were the staff”; “I think it’s faster than outside. You always get support, always help, start next course right after you finish one.” Some youth reported on their progress with completing high school credits: “25 credits—came here with six”; “Doing schoolwork on the unit—pleased with number of credits.” One youth completed high school at RMYC and “Signed up for [an] online university course. Don’t know if a laptop will be approved. Supposed to start in two weeks.”

Youth are unhappy with the “level” system. While the majority of youth reported they understood the level system (RMYC’s incentive program in which youth can earn privileges), many youth comments focused on the variability and inconsistencies both of staff granting the move to the next level and the behaviour/activities required to achieve that level. Through their comments, youth asserted some staff do not adhere to the same set of rules; play favourites (or conversely, target youth they don’t like); and that some casual staff do not understand the level system. Youth said, “I think it is stupid and unfair. Some staff give some kids platinum points to kids on bronze and not to another kid. There is favoritism. Staff will give kids gold points because they have known them a long time.”; “. . . they don’t know how to check my points.”

Others, commenting on the fact staff may not notice when a youth has exhibited the required behaviour, stated, “Very biased system—person who sits behind the computer may not have seen everything . . . We did it as a team, but only the person behind the computer is the only one who can say what points you have that day. I’ve been doing the same things since I got here and I have had platinum, gold and silver for the same thing”; “Feels like we have no choice. I did extra chores all week but they didn’t notice.”

RMYC Youth Orientation Booklet— Points/Incentive System

The Incentive Program allows for youth to be provided with their basic rights while recognizing privileges must be earned. The Incentive Program includes three areas:

- Unit Contributions
- Academic/Vocational Achievement
- Program Involvement

Using four “levels,” bronze, silver, gold and platinum, RMYC staff using the incentive system mark youth twice daily on program participation, staff and peer relations and politeness. For example, youth at the bronze level (the lowest level and where all youth start) are not allowed to make any “extra” phone calls as privileges. Youth at the platinum level can make three extra calls per week because of their earned status.

Source: RMYC Youth Orientation Booklet

The case management approach

According to the *Youth Justice Services Manual*, the collaborative case management team provides the following for any young person sentenced to custody: a “co-ordinated, purposeful and responsive service to meet his/her rehabilitation and reintegration needs most effectively.” As the youth’s case manager, the probation officer works with a team that also includes the unit manager or facility director, the prime worker and/or social worker, and others where possible, including the youth’s parents/guardians. When youth in detention (i.e., they have not been sentenced) are not already assigned a probation officer, the responsibility for case management services is assigned to the facility.

Source: Ministry of Children and Youth Services, Youth Justice Services Manual, Section 6.0

A few youth comments suggested there may be times when the incentive system infringes on youth rights: “They don’t let you have much communication with your family. It goes by levels” and “... will dock points for using the bathroom [after] lockdown.” In both examples, rights to communication and rights to care found in the *CDSA*, are being behaviourally managed with privileges or consequences.

Youth are divided on whether incentives are worthwhile. We also asked, “Are the incentives worth it?” 42% of youth said “yes,”

33% said “no,” and 25% stated “N/A.” Some youth thought the levels were worth achieving; some youth offered negative comments. Describing the problems with the level system, one youth stated, “[There are] not many rewards. It is hard to stay on the level. On platinum: [you get] a later bed time; use Tuck points for mp3 player; incentive recreation—extra time; take-out food—supposed to get it, but it usually doesn’t happen. Gold and platinum supposed to have movie nights once a week—usually don’t get it. This goes to the Youth Advisory Committee all the time, as does food issue—nothing changes.” Other youth commented on the lack of rewards, but also pointed out the incentive of earning an extra phone call: “[The incentives are worth] only a little, you only get to stay up a little later and get to watch movies. ... and you get one more phone call,” stated one youth. Another youth stated, “Not really [worth it] ... [extra] food once per month; \$10 per month; depends on manager.”

52% of short-stay youth believe their case management process is useful.

The case management process is intended to guide youth through their rehabilitation and reintegration process while at RMYC and beyond. 52% of short-stay (under 30 days) youth said “yes” or “sometimes” when asked if their case management process was useful. 36% said either it was not useful or they weren’t sure (12% N/A). Of those who were there for over 30 days, 45% found the process useful, while 55% did not. Youth mainly commented that they were not sure about the process or hadn’t experienced it yet.

One youth said, “I don’t go to it here. I hear there is no point in going,” while another youth stated, “Everyone decided I would progress if I went to open custody, but other than that, nothing was useful.”

52% of youth said their prime worker helps them make and achieve their goals. 38% said “sometimes,” “no” or “not sure” (10% N/A). A youth’s prime worker is a member of the case management team and also has a responsibility for the youth’s reintegration plan. The prime worker should have knowledge of a youth’s needs and goals and engage the young person in the process. Of the 21 comments youth made about their prime worker, 13 were

The role of a youth’s prime worker

A prime worker is a youth services officer who is assigned to a youth upon his/her entry into a youth justice facility. The prime worker has dual responsibility for providing for the safe and secure custody of a young person within the unit, and for collaborating as a member of the case management team in preparing and delivering the young person’s case management/reintegration plan. This includes orientation, helping the youth with goals and behaviour, working with the family and facility staff, making referrals, and helping with the youth’s sentence review process, if requested.

Source: Ministry of Children and Youth Services, Youth Justice Services Manual, Section 6.0

negative, reflecting youth may sometimes feel the process is pointless. “My prime worker never really asked about my goals,” said one youth. Another stated, “I was supposed to have one on [date] but I was in court so now have to wait three months.” “She gave me the paper to check it off,” another commented.

Youth are divided on whether they have “enough to do.”

When we asked youth if there were “enough activities” for them to do at RMYC, 52% said there is enough to do “some of the time”, “almost never” and “never.” 45% said they have enough to do, “most of the time” or “all of the time.” When it comes to using the gym facilities, the majority of youth go to the gym regularly: 59% said they go to the gym daily and 32% said they go several times a week. This is an area that has improved since our last report in 2010. When it comes to programs, youth offered comments about availability, quality and value, discussed in further detail below.

59% of youth commented they were either: not in a program, were on a wait list, or the desired program was cancelled.

36% said they were in a program and 5% commented they were not interested in programs. Several youth stated they had been on wait lists for between one and three months “I’m on a waiting list. Signed up for aboriginal studies, let’s make music”; “Asked to get into a program a month and a half ago but the process is slow...”; “I signed up for a few of them with my prime worker three weeks ago but not started yet.” Some youth said that programs were available on certain units: “None. You can’t go until you move to another unit.” We also heard from youth who said they were not at RMYC long enough to be in a program. One youth stated, “Need more programs and more kids should be allowed in.”

In reviewing the patterns of the youth responses, it seems there were some youth who were in almost everything at once and then many youth who were on waiting lists. Indications were that a limited number of youth can attend a program at any given time. For example, one eight-week program accommodates eight participants at a time.

Asked to list the programs they were participating in, youth mentioned the following (see table):

When we asked youth if they could participate in cultural and spiritual activities at RMYC if they wanted to, 87% of youth said “yes.”

Youth reported RMYC Programs

Program Categories	No. of Youth who said they were in the program
Church/spiritual program	15
Stress/anger management	8
Spanish/French	7
Music	7
Steel pan drums	6
Dog therapy	6
Substance abuse	5
Anti-violence	5
Boys to men/How to be a man	5
Incentive cooking (on units with incentive program)	5
Art	4
Yoga	4
Ball team (for those in school)	4
Making posters for Sick Kids Hospital	4
Employment program	3
Aboriginal program	2
Smart Board	1

Source: Interviews conducted with youth during the 2011 Review of RMYC

What happens when youth leave RMYC—do they re-offend? Find employment?

Collecting data and evaluating rehabilitation programs is critical

The Review of the Roots of Youth Violence concludes that when it comes to rehabilitation, interventions must be based in evidence and that a combination of programs *during* and *following* incarceration are critical. Some issues can only be effectively addressed in the community where the young person is seeking to re-establish him or herself.

Rule 30 regarding research, policy and evaluation in the “Beijing Rules” states: “Towards that end, there should be a comprehensive and regular assessment of the wide-ranging, particular needs and problems of juveniles and an identification of clear-cut priorities. In that connection, there should also be a co-ordination in the use of existing resources, including alternatives and community support that would be suitable in setting up specific procedures designed to implement and monitor established programmes.”³⁹

Youth comments reflect wide-ranging opinions on programs. Some youth like the programs and want to participate in more. “Road to Redemption,” a program to help youth avoid or exit gangs and street violence, has a reputation that encourages youth who hear about it from others to sign up. Other comments suggested that youth did not find the programs stimulating: “I was attending for a while but then they got boring so I stopped. So now on the wait list for new groups”; “Programs are garbage, cancelled programs: Latin Dance and Spanish, just participating in church.”

56% of youth don’t know if they can participate in community programming once they leave RMYC. Youth have a better chance of successfully reintegrating into the community if they can continue to access community programs begun in RMYC. 56% of youth didn’t know if they could participate in programs beyond RMYC; 32% stated “yes,” indicating they were aware of the possibility, and 8% said “no.” The majority (79%) of comments offered reinforced that youth did not know if and/or how they would continue in programs upon leaving: “I don’t think you can”; “Possibly, I could use some of the stuff I learned in here,” were two comments we heard. 21% of youth commented positively, including this statement, “When I get out I can keep taking programming.” The number of youth who don’t seem to know what will happen next in terms of programming, raises questions about how well reintegration planning and/or communication about planning is working between staff and youth.

Youth we spoke to over the summer of 2012 indicated they believe there is not enough to do at RYMC.

What has happened since the 2011 Review

A short-term school program has been introduced.

On September 17, 2012, RMYC established a new “Short-term Educational Transition” (SEP) classroom to support youth who are not in school (for reasons usually related to safety) but are ready to begin reintegration into regular in-school programming. During 2012, youth continued to report they were not being allowed to go to school because of incidents that occurred on the living unit, which may or may not have had any bearing on their conduct in school or the safety of others in the school. Given the recent introduction of the SEP program, we don’t know yet if it will remedy youth complaints about not being allowed to attend school.

Ministry introduces strategy to support gang-involved youth.

On May 23, 2012, representatives from the Ministry made a presentation to the Advocate’s Office regarding the provincial strategy being piloted at RMYC and three other sites. The strategy involves a comprehensive approach to assessment, targeted programming interventions and training initiatives.

The Ministry is conducting a review of the youth justice incentive system.

The Advocate’s Office was informed in July 2012 that the Ministry was conducting a province-wide review of incentive systems and the results of the review would be shared with the Advocate’s Office.

Still “not enough to do” at RMYC.

Youth we spoke to over the summer of 2012 indicated they believe there is not enough to do at RMYC. On September 14, 2012, senior management at RMYC provided the Advocate’s Office with its updated *Programming Outline*. The *Outline* is divided into three categories, Programs, Activities, and Services:

RMYC Programming Outline	
Programs and Activities	Availability
20 programs, such as Anger Management, Alcoholics Anonymous and Life Skills, are either offered in 12, 10 or eight-session rotations with a maximum of eight youth permitted in each program. Three programs for males and one program for females are offered on a rotational basis; one program for females is characterized as “ongoing.”	Of the 20 programs: <ul style="list-style-type: none">• Two are “on hold”.• Four are “to be determined”.• Three are offered as PD (professional development day) programs.• Three are “as needed” or “as scheduled”.• Four are offered to those with “identified needs or interests”.
32 activities, such as Latin Dance, Ab Workout, Crocheting and African Drumming are all (except one) offered on an “as needed” basis, with a total of one or two sessions provided.	Of the 32 activities: <ul style="list-style-type: none">• 18 are scheduled.• Five are “on hold”.• One is offered on special programming days.• Four are “as scheduled”.• Two are led by youth services officers as needed and not on a set schedule.• Two are seasonal short term.
Services	
The list of youth services includes health care services, social work, psychological services, mental health nurse clinic, religious/spiritual services and employment workshops.	

Source: Programming Outline provided by RMYC on September 14, 2012.

In the past, RMYC has indicated that many youth are not interested in programming, would prefer instead to watch TV and are difficult to engage. A close review of the above list of programs, activities and services indicates that few programs are offered on a regular and long-term basis and are open to eight youth at a time, resulting in waiting lists. Many of the “activities” last one or two sessions, limiting progression of interest and skill development for youth.

Ministry begins province-wide review of programming.

In October of 2012, the Advocate’s Office was informed that the Ministry is currently conducting a programming review across the province, including RMYC. It will use the Correctional Programming Assessment Inventory Tool designed to measure program effectiveness, as well as integrity of programs, staff characteristics, organizational culture and other variables.

Case management process is to be strengthened by the Ministry.

On October 22, 2012, the Ministry informed the Advocate’s Office of its Detention Initiative to be implemented at all youth justice facilities, including RMYC. All youth in detention (the majority of youth at RMYC), will automatically be assigned a probation officer as their case manager to help with an individualized community release plan. “Short-stay custodial” youth will also benefit from better reintegration support through the immediate community release planning that will be carried out by the case management team.⁴⁰ The Ministry notes that, “The role of the Probation Officer as a support person for youth who have not yet been found guilty will require a non-directive, non-intrusive approach and will rely on strong relationship building skills to engage youth in meaningful case management planning” (Ministry of Children and Youth Services correspondence dated October 22, 2012).

This is a significant step: as noted in the *Advocate’s 2010 Report*, the Ministry has identified difficulty working with youth who are at RMYC on a short-term basis (usually youth in detention vs. those in custody). In our 2011 Review, over one-third of short-stay youth reported their case management process was either not useful or they weren’t sure if it was useful. Assigning a probation officer to

these youth is now expected to help with a more successful reintegration into the community. The Ministry indicated the initiative is being implemented in the next few weeks, following the October 22, 2012 correspondence.

Partnership Action Committee (PAC) update.

Staff from the Advocate’s Office attended a PAC meeting on September 26, 2011. In August 2010, as part of *RMYC’s Action Plan Achievements*, PAC was established to strengthen the relationship between the facility and the community; ascertain community programs that could be implemented at RMYC to specifically address the reintegration needs of short-stay youth; and to increase connections for youth released from the centre that support successful participation in school, employment training and other supports required. The committee presented information regarding its membership, current projects and success stories of youth at the centre. RMYC senior management shared a list of nine community programs offered at the centre.

The principle behind this committee—engaging community-based professionals and organizations—to support youth rehabilitation efforts at RMYC and a smoother re-integration into the community after RMYC, could be helpful. It would be important to know to what extent the committee has been able to help RMYC with its rehabilitation mission.

Potential exists to revive the Diversity Subcommittee.

The Advocate’s Office has recently been in contact with five of the community agency representatives who sat on the original 2008 RMYC Diversity Subcommittee, which was dedicated to supporting and strengthening youth rehabilitation and reintegration. All of the individuals indicated they had been willing to continue their involvement on the original committee and would participate again if it was reconvened. The committee’s expertise could help RMYC with its “realizing potential” goals, as well as strengthen RMYC’s partnerships with community agencies familiar with the needs of young people.

In summary

The Youth Criminal Justice Act states that from the moment a young person enters a youth justice facility, a youth worker, along with the young person, must be ready, “without delay,” to plan for the youth’s release, “... including the preparation and implementation of a reintegration plan that sets out the most effective programs for the young person in order to maximize his or her chances for reintegration into the community” (90 (1)).

Effective, “dawn to dusk” programming is an integral part of that reintegration process. Our 2011 Review found the majority of youth were either not in a program, were on a wait list, or the program had been cancelled. Recently, a review of current programming showed that very few programs are offered on a regular basis; there are also questions about relevance and effectiveness.

Youth value school at RMYC and are earning credits. Containment strategies, such as lockdowns and/or “OP,” confine youth to their rooms for periods of time, away from programs.

This is not to say that “keeping youth busy” is equal to effective rehabilitation and reintegration. Engaging youth can be difficult, but this is where the Relationship Custody approach comes in. Building relationships, getting to know and encouraging youth are all critical to rehabilitation. 56% of

youth interviewed in our 2011 Review didn’t know if they could participate in community programming after they left RMYC. There are many community agencies that have experience and success in these areas and know and understand youth in their communities, including youth in conflict with the law. Despite RMYC’s efforts with the Partnership Action Committee and hiring of a community liaison officer in 2010, more work needs to be done in forming linkages with outside agencies.

Some youth question the value of RMYC’s behavioural incentive program. Youth commented that it is not administered fairly or consistently and they are almost equally divided on the worth of the rewards. Programs should directly encourage youth behaviours and skills necessary for successful reintegration. In its “What works in Rehabilitation” section, the *Review of the Roots of Violence Report* found that “token economies” (where chores and good behaviour earn privileges and rewards) are not effective with youth.

The Ministry has taken some recent steps intended to improve rehabilitation at RMYC. Current initiatives include a province-wide review of youth justice facility programs; a detention initiative, intended to strengthen the case management process; and a province-wide review of youth justice facility incentive programs (all described above). These are positive steps. Until the results are released and changes implemented and evaluated—with the active participation of youth, their families and community supports—it remains to be seen if youth are leaving RMYC, “... better-prepared to make the right choices and a positive contribution to society.”⁴¹

59% of youth commented they were either: not in a program, were on a wait list, or the desired program was cancelled.

Legislation, Policy and Procedures

Child and Family Services Act (CDSA)

A child in care has a right:

- *to receive an education that corresponds to the child's aptitudes and abilities, in a community setting whenever possible; and*
- *to participate in recreational and athletic activities that are appropriate for the child's aptitudes and interests, in a community setting whenever possible.*
- *to a plan of care designed to meet the child's particular needs, which shall be prepared within thirty days of the child's admission to the residential placement (CDSA, R.S.O. 1990, c. C.11, s. 105).*

Further, the CDSA states:

- *Children's services should be provided in a manner that takes into account physical, cultural, emotional, spiritual, mental and developmental needs and differences among children. (CDSA, Paramount purpose)*

Youth Justice Services Manual (YJSM)

Right to Receive and Participate in an Appropriate Education, Training or Work Program

A young person in care has the right to receive and participate in an education, training or work program that corresponds to his/her aptitudes and abilities, in a community setting whenever possible.

Educational programs shall be provided as an integral part of the mandate to provide programming that encourages responsible behaviour, leads to successful personal and social adjustment and provides opportunities for young persons to continue learning and/or obtain meaningful employment following their release from custody/detention. (YJSM, Section 7.3)

Right to Participate in Recreational Activities

A young person in care has the right to participate in recreational and athletic activities that are appropriate for the

young person's aptitudes and interest, in a community setting whenever possible. (YJSM, Section 4.2)

The YJSM also describes "the collaborative case management approach" and the terms of the case management team:

A Case Management Team provides case management for any young person sentenced to custody. This team approach remains in place throughout the custodial portion of the sentence. It provides the young person with a co-ordinated, purposeful and responsive service to meet his / her rehabilitation and reintegration needs most effectively. As the young person's case manager, the Probation Officer is the lead member of this team. The Probation Officer coordinates the efforts of all service providers within this collaborative framework and most importantly provides the young person with the continuity of care throughout his/her involvement with the youth justice system.

The Case Management Team (CMT) consists of the Probation Officer, as Case Manager, the Unit Manager, or Facility Director, the Prime Worker and/or Social Worker, where available. The remaining composition of the CMT is dependent upon available resources at each facility and on the individual needs of each young person, but should normally include the parent/guardian, and may include a psychologist, educational staff, recreational staff and/or other community partners.

When youth in detention are not already assigned to a Probation Officer, the Youth Justice Services Manual assigns responsibility for the provision of case management services to the facility. These services are expected to minimally include the following:

- *Procedures for arranging required appointments and services, either in the community or the facility.*
- *Access to, or availability of, advocacy concerning the level of detention and expediting Youth Justice Court remands.*

- *Procedures for information and reports to the Youth Justice Court as required.*
- *How service goals will be developed and recorded in a plan of care.*
- *Procedures for establishing and maintaining contact with the young person's family. (YJSM, Section 6.0).*

Provincial Advocate's 2010 RMYC Report

Despite legislation and guidelines describing what youth should be able to expect regarding programming, education and rehabilitation support, the *Advocate's 2010 Report* documented youth concerns about having "nothing to do."

For many youth, the promised programs weren't available or were not accessible to them. "I don't understand why we couldn't learn to cook instead of just sitting and doing nothing. This could solve the food problem, because if we had a cooking program we could eat what we made.;" "It took over a month to even see a psychologist.;" "I am bored with nothing to do—that's when I do stupid things and get into trouble"; "There are so many fights because we're bored." (p. 7)

The *Advocate's 2010 Report* asserted that the type and range of programs offered should be consistent with recommendations from two inquests related to deaths in youth justice facilities:

Inquest Recommendation #55: "Programming must include community resources such as counselling, medical, psychiatric and mentoring programs. Parents and peer groups should be welcomed by youth facilities and incorporated into daily life in a consistent fashion across all systems."

Inquest Recommendation #6: "Dawn to dusk programming with encouragement for participation by a range of incentive based strategies."

Inquest Recommendation #12: "Programs for youth should be numerous. Evidence in reports and testimony demon-

strates that dawn to dusk programming is effective in reducing peer on peer violence, assists in the rehabilitation process and keeps youth mentally and physically active.”

In response to youth complaints regarding RMYC's incentive system and staff inconsistencies regarding the behaviour management system, the *Advocate's 2010 Report* stated that RMYC was in the process of reviewing and changing the program. The report also noted dissatisfaction by RMYC staff with the incentive program, with staff citing both a lack of incentives for youth and an inability to implement the earned rewards. The *Advocate's 2010 Report* concluded that given RMYC intended to review the program and make changes, the incentive program was one of a few “pockets of hope” at RMYC.

2010 RMYC Action Plan

- These young people need high-quality services and supportive environments to achieve success and make better choices when they leave. Youth placed in these secure custody and detention centres have the opportunity to form positive relationships and benefit from specialized programs that will help them leave their criminal past behind and return to their communities better prepared to make the right choices (p. 2).

2010 RMYC Reported Achievements

Ontario's primary goal for youth in conflict with the law is to provide the supports and opportunities needed for youth to succeed and realize their full potential (p. 2).

- **Programming**—RMYC has implemented changes to more effectively provide a range of programs/activities/services that are available on a regular basis and keep youth busy and engaged. Having programs delivered in modules in particular meet the needs of short stay youth and youth participation is monitored on a weekly basis. . . New evidence-informed rehabilitative programs include: Girls Circle. . . Reasoning & Rehabilita-

tion. . . Aggression Replacement Training. . . START. . . SmartBoards . . . (p. 2). [All together, the five programs provided participation for 786 youth participants; because youth can participate in a range of programs, the number “is not an unduplicated” count.]

- **Effectiveness**—[regarding programming] An evaluation of the START program concluded that the program was effective in helping youth better understand and manage anger and improve their problem-solving abilities, thus improving the youth's functioning within the group while at RMYC.

The Ministry is also implementing a standardized process to evaluate the effectiveness of youth justice programs in reducing reoffending. A schedule for review of programs in all youth centres will be set, using the accredited Correctional Program Assessment Inventory (CPAI) tool. The CPAI tool can help to determine the extent to which programs are adhering to the principles of effective programming and where opportunities exist to alter programming based on the review findings (pp. 2-3).

- **Education**—Because education . . . programs and supports were already in place, education was not a specific component in the Action Plan. However, given the importance of education in helping youth realize their potential, the types of programs offered and the achievements to date are included here. . . (p. 4).

Examples included: 120 youth were granted credits during the period; 120 full credits and 51 half-credits were earned; seven youth received a Secondary School Diploma or Certificate; one youth obtained an industry recognized certificate (e.g. First Aid, CPR) and 33 youth received “Student Recognition Awards.”

- **Recreation/Activities**—“Active Sports (e.g. basketball, football) Passive/Leisure (e.g. bingo, cards), Skills Training (e.g. Yoga, Healthy Hearts) Spiritual (e.g. Aboriginal Teaching, Bible correspondence courses)” Re-

ported number of youth participants in these activities ranged from 1,509 in October, 2010 to 2,210 in April, 2010 (p. 5).

- **Rehabilitation/Reintegration into the Community**—Social workers meet with youth within 24 to 48 hours to identify any immediate risks or needs. Individual plans are developed for youth that address their educational, emotional and recreational needs so they are well-prepared to return to their community when they leave. Plans for youth who are at the facility for short stays are designed to meet their immediate needs. . . The YMCA Life Skills program, delivered by social workers at the centre on four living units, supports youth returning to the community by helping them manage their health, learning, employment and social needs (p. 3).

- **Working with Community Partners**—Bringing partners from the community into RMYC to participate in programs and activities increases youth awareness of the community around them and provides opportunities for skill development that benefit youth when they leave. Partnership Action Committee formed and meetings held; committee includes 10-14 community members, two youth members and RMYC staff; Community Liaison Co-ordinator...position put in place; three new contracts signed to meet Action Plan commitments for Steel Pan...Student Placements through Sheridan College...SmartBoards...deliver a range of evidence-informed programs/modules. [For example] Modules for anger management and substance abuse provide information, tools and strategies for youth. RMYC staff received training in the operation and facilitation of youth learning with SmartBoard modules. Reported number of youth participants in “programs run by community volunteers” [e.g. Boy's Employment Ontario Workshops, Boy's Dog Therapy, Girl's Tutoring, Girl's Let's Make Music, etc.] ranged from 115 in April 2010 to 275 in July 2010. (pp. 9-11).

2

RMYC's well-intentioned
attempts do not result
in effective solutions
to problems

The voices, experiences and views of youth at RMYC gathered during the 2011 Review and through phone calls and interviews since that time, reveal that many of the problems identified by youth soon after RMYC opened in 2009, still existed in 2011 and 2012. It is, however, not simply the nature or persistence of the problems that is concerning; it is RMYC's approach to problem solving that represents a second key theme in this report.

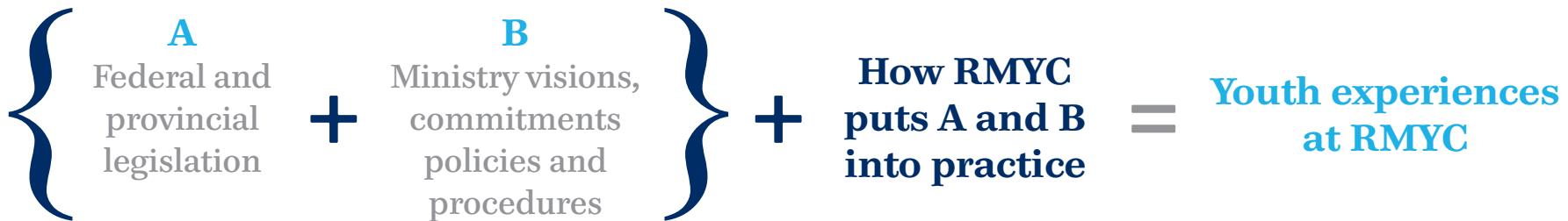
RMYC works within a framework of rules: legislation, policies and procedures determine the standards that the facility must follow—what RMYC can and cannot do. When youth get up each day, how staff interact with them, whether they have access to fresh air, what kind of programming and education they receive, are all guided by legislation and the vision, policies and procedures set out by the Ministry of Children and Youth Services. Combined, they have the potential to change the course of youth lives. *How* RMYC translates these standards into practice determines how youth fare every day at RMYC and influences their success after they leave.

As youth pointed out during the 2011 Review, too often whether rules are followed or how situations are managed, “depends on who is working.” Since that time, nearly two years of contact with youth at RMYC and follow-up with senior management at the facility and the Ministry, have clarified for the Advocate’s Office that RMYC has persistent difficulties in implementing and monitoring sustainable solutions to problems. Nearly two years later, youth are still echoing the same refrain when they contact the Advocate’s Office.

A concerning pattern has emerged. Many of the issues documented throughout this report, identified by youth and reported to the Advocate’s Office during the 2011 Review and beyond, follow a particular cycle: problems are identified, RMYC is often receptive, devising responses, taking steps to implement solutions, and ultimately reporting that the problem is

solved. Within a few days, weeks or months, however, it becomes apparent that the problem has not been solved, as youth contact the Advocate’s Office, making the same (or a similar) complaint.

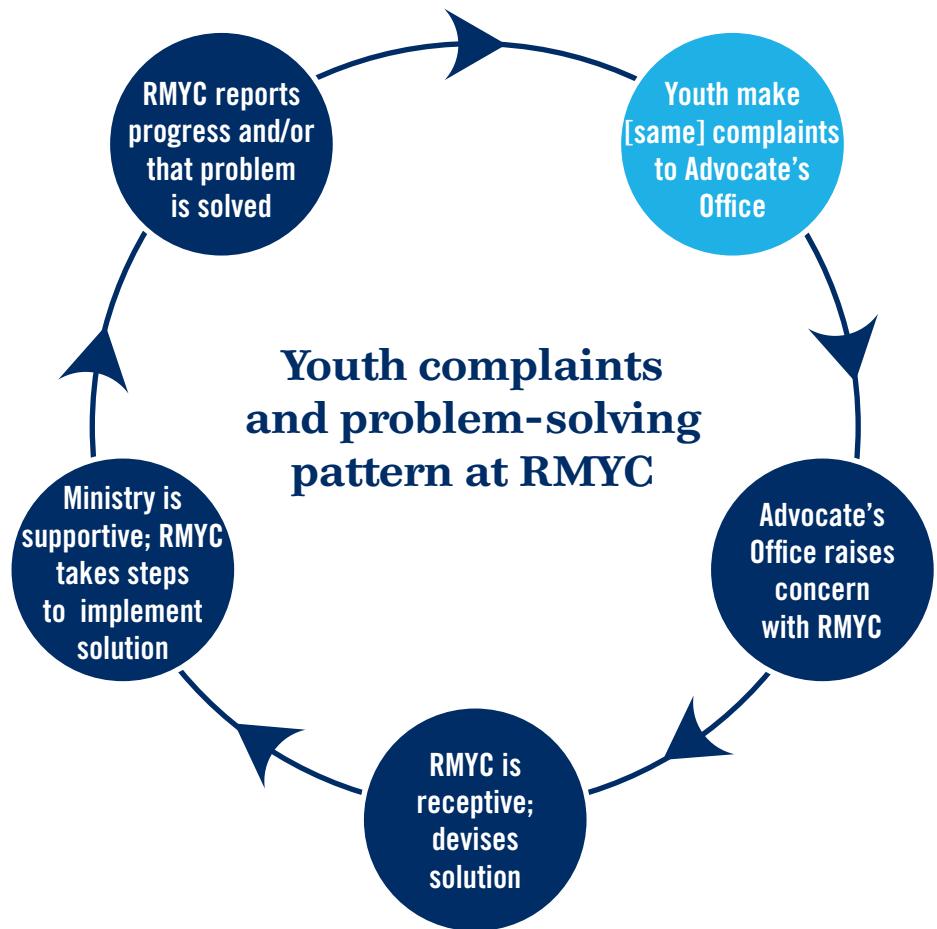
As we’ve seen, the issues vary but the pattern of problem-solving attempts is similar. Youth reported being hungry on the weekends. Why? On weekends, youth receive two meals each day: brunch and dinner. However 19 hours may have passed between dinner the night before and the first meal the next day. Most young people would be hungry under these circumstances; accordingly, the Ministry’s *Youth Justice Services Manual* (Section 10.2) prohibits this large a gap between meals. In response to youth complaints and follow-up by the Advocate’s Office, RMYC undertook to address the problem, saying that it would make toast and cereal available on the units so that youth could have an earlier breakfast on the weekend if they chose. However, throughout 2012, youth continued to contact the Advocate’s Office, saying they were hungry and that there was no optional breakfast available to them. In response, RMYC management issued an October 2012 memo requiring staff to give youth access to an optional breakfast and reported to the Advocate’s Office that the problem was solved. Towards the end of 2012, Advocate’s Office staff visited several living units at RMYC and, confirming youth and staff reports, observed there were no breakfast provisions available, including no toasters for youth to make themselves toast—despite RMYC senior management’s assurances otherwise.



The problem-solving seems to break down somewhere between implementing, monitoring and enforcing solutions. As noted earlier, in spring 2012, the Advocate's Office learned that young people placed in secure isolation were having difficulty exercising their right to contact the Advocate's Office. This, despite the fact that the right is enshrined in the *CFSA* and the fact that service providers are required to provide the child "with the means to do so privately and without delay" as per the *Provincial Advocate Children and Youth Act 2007* under "Obligations of Service Providers" (Section 18).

RMYC undertook a range of steps to solve the problems; however, several months later when the Advocate's Office conducted interviews with 38 youth placed in secure isolation, we learned, among other things, that the majority of youth were not advised of their right to call the Advocate's Office. Youth who did ask to contact the Advocate's Office were refused. Despite several follow-ups with RMYC, and RMYC providing written instructions to staff regarding rights and procedures, including an additional measure to facilitate youth contact with the Advocate's Office, the problems have persisted. Despite the fact that a youth's right to contact the Advocate's Office is enshrined in legislation, documented in RMYC policy and procedures and memos, the facility seems unable, at times, to follow its own rules. This is further compounded when RMYC doesn't follow its own solutions.

RMYC has made some positive changes. Our focus on the pattern of ineffective problem-solving is not intended to diminish those successes and the larger initiatives underway to improve areas such as programming, education and behaviour management. Nor is it intended to undermine the working relationship between RMYC and the Advocate's Office. Rather, our goal in highlighting this pattern is to support RMYC to become more effective in carrying out its mandate to hold youth accountable for their actions while supporting their rehabilitation and reintegration into the community.



Youth Ideas for Change

“Talk to us, tell us positive things, help us.”

Youth want to have the kind of everyday exchanges with staff that most of us have with the people we encounter in our daily lives. “Talk to [youth] appropriately”; “some look at us like little punks. . . won’t talk to you, just stand on guard.” They also want to be encouraged. Thirty-five youth comments made reference to staff’s ability (or inability) to interact positively with youth. As many youth stated, their expectations are not unrealistic: “Talk to you, get to know you—probably show us, but it’s stuff I probably think is normal”; “They talk to us about our lives, how they can help us open our eyes, and show us how to think and laugh.” One youth stated, “[Staff should know] how to interact with youth, how to solve a problem without locking people down; if something is missing, try to solve it before a strip search.”

“It should be better quality.”

Regarding hygiene products, youth are asking RMYC to improve the quality/supplier of all products (e.g., toothpaste, soap and shampoo). Some youth also believe that the current method of connecting product access to an incentive system is unfair, especially for black youth, and should be reassessed.

“Talk in person rather than fill out forms.”

Because youth were skeptical about the effectiveness of the internal complaints process, there were few suggestions for improvement. One youth stated, “I find it stupid because I would rather talk in person than write it down. I’m not sure if they read them [complaints].”

“All staff should have “experience with youth.””

When we asked, “What skills or experience should staff have when they come to work here?” a majority of youth recommended that staff should have training/experience in working with youth, including the ability to talk to youth; come to work with a positive attitude; and possess patience and “people skills.” One youth commented, “[Staff should have] experience with youth. Stop by a high school/middle school and check on it. Get used to being around youth. [Staff] should be aware of what goes around and the things happening here at Roy.” Several youth comments concerned the importance of staff understanding, or having similar backgrounds to the youth in the facility. As one youth stated, “[Staff should know] how to work with youth through personal experience; they should have experience working with youth in marginalized neighbourhoods . . . staff who can relate to us.” In a similar vein, another youth said, “Real life people, street sense, life experience, not book staff.”

“Staff [should] pay more attention.”

Youth believe that if staff were more attentive to the interactions among youth, they would be able to intervene sooner. A few youth commented in the vein of, “More staff, more monitoring, they just sit around the desk.”

“Increase safety at school... not supervised well here.”

Youth commented about their safety at school, both within the school building and walking to and from the main facility to the school. “The fights usually happen at school, haven’t been there,” and “Three fights at school today,” commented two youth. “Knowing who has problems with other people, don’t put them in the same class. That’s when there are problems,” another recommended. “During class change – they should change how they do it, staff are hopeless. [They should] stagger it,” stated another.

“Would like the ones [programs] [I] signed up for.”

Given the challenges youth identified with programs—not enough, many cancellations—youth had numerous suggestions for improvements. Overall, they would like more programs and they would like the ones on offer to be available to them: “I just want there to be more programs here. A movie program—movies youth want to watch, that are in our age group. That would get the youth’s attention”; “Music program—i.e., artist/DJ/ talk music/spoken word.” Youth were also aware that keeping busy reduces violence: “Either [we] play cards, watch TV or just sit there. That’s why everybody starts fights. You’re bored.”

Some suggestions related to education, as in: “Homework club program—had one, but staff don’t want to do it anymore—don’t want youth to interact.” Others would like to see more opportunities for fitness: “Weight training, fitness, need more exercise that just one hour per day” and sports: “Track team. There is a big track outside”; “Sports—volleyball or hockey. If they had something like that I just wish there was more sports offered”; “More basketball, more active programs.” Other youth suggested parenting, gardening and cooking classes.

“Staff [should] stop provoking youth.”

Some youth pointed to the role that some staff play in fuelling violence, urging: “For safety of staff, stop provoking youth. They [staff] are not professional. They get in your face when they want to consequence . . .” Another youth reported that when staff say, “Shut the fuck up” to youth, their “unprofessional behaviour” is “setting up situations where youth are getting consequences.”

“They need to show us what we need to do ... to move up a level.”

Youth expressed different ideas for improving the incentive system, from abolishing it completely to making it more fair—which many said was dependent on the staff documenting the positive behaviour or implementing the rewards. One youth stated: “Need to change our point system—it doesn’t make sense. Have to tell staff what you’ve done to get your points.” Another youth, who was in favour of the system, thought it should have more rewards: “Yeah, [give us] more phone calls. I like the level system—just need more [incentives].”

“Be aware of situations and get there faster [to handle it].”

When it comes to safety, youth suggestions focused on staff taking action more quickly and a few questioning why staff didn’t intervene sooner. One youth commented at length: “Staff can act quicker, staff sit and wait too long to intervene...almost a fight...staff didn’t stop it...youth stopped it verbally...”

Recommendations

The Roy McMurtry Youth Centre is at a crossroads and must take definitive and significant steps to deliver on its promise and mandate to rehabilitate and reintegrate youth, fulfilling all relevant standards in legislation, policies and procedures.

The Advocate's Office urges the Roy McMurtry Youth Centre and the Ministry of Children and Youth Services to involve youth, the community, RMYC managers, staff and school staff in carrying out the following recommendations. All steps taken to address the recommendations should include goals, indicators, timelines and ongoing evaluation methods.

RMYC has persistent difficulties in implementing and monitoring sustainable solutions to issues and problems affecting youth life. It is strongly recommended:

1 RMYC—partnering with youth, external community stakeholders and RMYC staff—immediately establish an institution-wide approach to problem solving, including strong monitoring and enforcement.

- a. Ensuring the problem-solving approach actively involves working with youth, including obtaining their views before, during and after solutions are implemented.**
- b. Ensuring that youth have safe, consistent and reliable ways to communicate concerns and complaints to RMYC management. Youth have reported that it would be helpful for managers to spend more time on the units.**
- c. Ensuring that steps are taken immediately to enforce solutions if and when they are not followed.**

2 RMYC develop a dependable and effective plan for communicating youth rights and RMYC rules and consequences, to staff and youth, routinely and frequently.

3 RMYC, as soon as possible, solve the persistent problems and confusion regarding behavioural consequences, at a minimum, addressing the following issues identified by youth:

- a. “OP” (Does it mean Off Program? Off Privileges?).**
- b. Being locked in room.**

- c. Access to bathroom during a consequence.**
- d. Napping and/or falling asleep during a consequence.**
- e. Access to school/learning, program, reading and/or other materials during a consequence.**
- f. Access to family, internal and external safeguards during a consequence.**

Staff are the “makers or breakers” of youth experiences at RMYC. It is strongly recommended:

4 RMYC formally review the status of the Relationship Custody approach at the facility in order to determine what is preventing its full implementation and develop a clear, time-bound plan to address the barriers, including:

- a. Ensuring the “concrete skills, qualities and behaviours” espoused in the *Relationship Custody Framework*, are supported and integrated into hiring, supervision and disciplinary practices.**
- b. Using training, supervision and peer learning models to improve staff use of Relationship Custody.**

5 RMYC develop a formal plan for engaging youth in meaningful ways to help improve overall youth experiences at RMYC, including:

Building on RMYC's own promising strategies (youth surveys, "Iron chef contest," Youth Advisory Committees, etc.) and others to routinely gather and integrate youth views, ideas and feedback regarding all areas of life at RMYC including food, basic care, safety, programming, school, recreation, staff relations, family contact, contact with RMYC senior management, access to Advocate's Office, etc.

6 Reviewing and reducing, wherever possible, the youth-identified, problematic reliance on RMYC staff for everyday items and requests. Possible areas could include modifying access to food, phone calls and programs so that youth can reduce their dependency on staff and by extension, the problems associated with the unpredictability of some of these interactions.

Tension and violence undercut youth life at RMYC. It is strongly recommended:

7 RMYC develop a plan to decrease all forms of violence and increase youth safety, including:

a. Meeting directly with youth to review the issues raised in this report and chart a course forward.

b. Purposefully applying Relationship Custody strategies to increase youth comfort with staff in order to increase likelihood of youth seeking help from staff.

c. Improving staff watchfulness and intervention strategies in order to detect problems as early as possible and intervene at the right time and with the right intervention, so as not to provoke or escalate situations.

d. Following-up on the suggestion already proposed to the Ministry to increase the number of Youth Services Officers at the school.

Intrusive procedures and excessive force seem to be used "too much" at RMYC. It is strongly recommended:

8 RMYC provide additional training, consultation and other supports to staff to increase the use and effectiveness of de-escalation strategies in order to limit the use of intrusive procedures and minimize risks to youth.

9 RMYC develop a reliable system for monitoring and reviewing the use of intrusive procedures and secure isolation, per the CFSA and YJSM, including:

a. Formally reviewing the use of intrusive procedures, including:

i. How searches are conducted and eliminating unnecessary searches, such as when youth are under constant supervi-

sion: when they are being escorted by staff inside the centre; in a secure visit with family; or in a session with an RMYC social worker or counsellor.

ii. When the use of "OP" entails intrusive procedures such as locking doors (see Recommendation #3 detailed earlier), ensuring that legislated rights such as access to school/learning and family phone calls, etc. are respected and protected.

b. Regularly and frequently tracking and analyzing serious occurrence reports (physical restraints, excessive force, placement in secure isolation, etc.) in order to identify trends, patterns, violations of policy and procedures, etc. and develop plans to effectively address such issues in a timely way per YJSM, Section 9.4 and other related sections.

c. Specifying how staff will be held accountable for violating policies and procedures related to the appropriate use of intrusive measures.

d. Providing quarterly reports to the Advocate's Office regarding the above, including strategies utilized/developed/implemented by the centre to effectively address the problematic areas identified.

Recommendations continued

10 The Ministry of Children and Youth Services apply the same standards for investigations in youth justice facilities as it has in place for child protection workers conducting investigations at institutions. At minimum, all investigations shall require that interviews are conducted with the alleged victim(s), staff witnesses (current and former), child/youth witnesses, facility administrator, supervisor of the alleged perpetrator and the alleged perpetrator.

11 RMYC and the Ministry of Children and Youth Services honour their obligations to ensure all youth allegations of excessive force and/or assaults are immediately and fully investigated. Such investigations are to involve an independent, external body and a copy of the investigation report provided to the youth, and with his or her permission, a copy to the Advocate's Office.

Vital access to family and safeguards is undermined by problems at RMYC. It is strongly recommended:

12 RMYC continue to improve and facilitate youth contact and visits with their families, including:

- a. Continuing to improve access to visits and telephone contact.
- b. Consulting with youth and their families to determine what changes will facilitate contact and acting on that advice.
- c. Expanding the definition of family to incorporate the realities of the youth at RMYC.

13 RMYC review and improve practices regarding the legislated rights of youth to contact the Advocate's Office, per the *CFSA and Provincial Advocate for Children and Youth Act, 2007*, including:

- a. Ensuring youth have safe, consistent and reliable ways to communicate with the Advocate's Office and other professionals.

b. Addressing and eliminating practices which prevent, delay and/or discourage youth from contacting the Advocate's Office by:

- i. Providing enhanced training to increase staff knowledge and address negative attitudes and behaviours.
- ii. Monitoring and enforcing staff compliance with legislation, policy and procedures.

There is a mixed story on food and basic care at RMYC. It is strongly recommended:

14 RMYC take steps to ensure the basic care needs of youth are met, as per legislated standards, policies and procedures. These are readily achievable changes, including:

- a. Reviewing the problems and complaints listed in this report and providing the products, services and supports needed to meet "basic needs" including food, hygiene products, bedding. This could be another opportunity to involve youth; they could help assess current needs and issues and provide suggestions.

b. Reviewing and changing the system for procuring goods and services— food, hygiene products, blankets, other supplies, and staff training—now currently tied to the adult system, if and when it compromises RMYC’s mandate to meet the healthy development needs and rehabilitation goals for youth. “Youth in conflict with the law have very different needs from adults.”⁴²

Rehabilitation and reintegration are cornerstones of the youth justice system—are youth getting what they need to succeed at RMYC? It is strongly recommended:

15 RMYC revive the Diversity Subcommittee (or similar) with the goal of using the group’s expertise and previous work to support and strengthen youth rehabilitation and reintegration, especially regarding the diverse needs of racialized youth at RMYC.

16 RMYC provide the educational, vocational, recreational and age appropriate programs/activities necessary to address the rehabilitation and reintegration needs of its residents.

Borrowing from the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* (“Beijing Rules”) and the *Juvenile Detention Alternatives Initiative Facility Site Assessment*, it is recommended:

- a. RMYC create and adhere to a daily schedule of activities that incorporate both structured and free time.
- b. RMYC ensure youth are out of their rooms except during sleep hours and brief periods of transition such as shift change.
- c. RMYC ensure youth are participating with staff or other volunteers in structured activities for most of the time they are out of their rooms.

17 RMYC review the mandate and work of the Partnership Action Committee (PAC) to place maximum focus on the committee’s work on establishing and strengthening relationships between the centre and the relevant community agencies, including:

- a. Those that can specifically address the needs of short-stay youth (the majority of youth at RMYC).

b. Those agencies that can provide seamless transition programs for youth from the centre to the community to support successful participation in school, employment training and other areas of their lives.

18 RMYC ensure a youth’s right to education is maintained and supported at every level, with alternative learning supports provided if attending school presents a risk to safety.

19 RMYC continue to follow-up with the Ministry’s strategy to support gang-involved youth currently being piloted at RMYC and other sites, evaluating the approaches to assessment, targeted programming interventions and training initiatives.

Endnotes

1. Legislation at the federal (*Youth Criminal Justice Act*) and provincial (*Child and Family Services Act and Provincial Child and Youth Advocate Act, 2007*) levels as well as policies and procedures (e.g. the *Youth Justice Services Manual* and RMYC's additional rules) articulate protections for youth and prescribe practices and procedures for all staff.
2. The Annie E. Casey Foundation. (2006). JDAI Help Desk at the Pretrial Justice Institute. In *Juvenile Detention Alternatives Initiative*. Retrieved from <http://www.jdaihelpdesk.org/default.aspx>
3. Statistics Canada. (2006). Census: Ontario population 12.1 million; Canada's Ethnocultural Mosaic: 473,800 black people live in Ontario.
4. A similar estimate is provided in a report by the African Canadian Legal Clinic (ACLC) released in July 2012, stating, "Also, according to ACLC staff who are based in four youth courts in the Greater Toronto Area, and deliver programming at the Roy McMurtry Youth Centre—the province's largest youth facility—the vast majority of youth that appear before Ontario's youth courts and are housed in the youth correctional facilities are African Canadian" (24). The ACLC report further states, "This overrepresentation of African Canadians can be largely attributed to a criminal justice system that is racially biased at almost every step" (24). These issues are further discussed on page 26.
5. In providing the data, the Ministry of Children and Youth Services cautioned that ethnicity information is "self-reported by the youth" and is "not a mandatory field in the database" (personal communication, May 11, 2012).
6. Office of the Provincial Advocate for Children and Youth. (2010). *The Roy McMurtry Youth Centre: A summary of advocacy activities and issues - August 2009—February 2010*. Toronto, Ontario, 2.
7. Ontario Ministry of Children and Youth Services, Youth Justice Services Division. (2010). *A relationship custody framework for direct operated youth justice facilities*. [Toronto], 3-6.
8. During interviews, youth frequently referred to "staff". Unless specific detail accompanied the comment, it was not clear if youth were referring to one or more staff.
9. For a full description of OP, please see pages 48-49.
10. Mulvey, E. P., Schubert, C.A., & Odgers, C. A. (2010). A method for measuring organizational functioning in juvenile justice facilities using resident ratings. *Criminal Justice and Behaviour*, 37(11), 1260. Retrieved from: <http://sites.duke.edu/adaptlab/files/2012/09/Mulvey-Schubert-Odgers-2010.pdf>
11. RMYC uses an incentive program to help manage youth behaviour (please see definition on p. 77). Youth acquire privileges as they advance through "levels"; youth often refer to the program as the "level system."
12. Part-time and/or occasional staff is also employed at RMYC and are referred to by youth as "casual" staff.
13. Ontario Ministry of Children and Youth Services, Youth Justice Division. (March 2010). *Action Plan: Helping youth realize their potential at Roy McMurtry Youth Centre*. [Toronto], 7. Retrieved from: <http://www.children.gov.on.ca/htdocs/English/documents/topics/youthandthelaw/ActionPlan.pdf>
14. McMurtry, (HON), R., & Curling, A. Dr. (2008). *The Review of the Roots of Youth Violence. (Volume 2. Executive Summary)*, 9. Retrieved from the Ontario Ministry of Children and Youth Services website: <http://www.children.gov.on.ca/htdocs/english/documents/topics/youthandthelaw/rootsofyouthviolence-summary.pdf>
15. de Groot, S. (2011, November 1). Hope: and some practical things for holding on to your children. *Myriad Consultation and Counselling*. Retrieved from <http://www.gettingtobetter.ca/newsletter/september-2011/>
16. *Relationship custody framework*, op.cit., 7.
17. Eccles, J., & Gootman, J.A. (Eds.). (2002). Community programs to promote youth development. *Board on Children, Youth, and Families, Division of Behavioral and Social Sciences and Education, National Research Council & Institute of Medicine*. Washington, DC: National Academies Press, 89.
18. *A method for measuring organizational functioning*, op.cit., 1260.
19. During the 2011 Review, front line staff and a manager informed advocates that staff sometimes "use" older and more seasoned residents to assist with managing the behaviour of residents who are acting out. The staff were clear that they did not condone physical aggression; however, intimidation and the implied threat of peer violence were both seen as tools for gaining behavioural compliance.
20. op cit., 7.
21. Ibid.
22. The CFSA states: "A child or young person who is placed in a secure isolation room shall be released within one hour unless the person in charge of the premises approves the child's or young person's longer isolation in writing and records the reasons for not restraining the child or young person by a less restrictive method" (CFSA, R.S.O. 1990, Chapter C.11, Secure Isolation, s.127).
23. For a full description of OP, please see pages 48-49.

24. Ontario Ministry of Children and Youth Services. Child protection standards in Ontario. Toronto: Ministry of Children and Youth Services, Feb. 2007, 33-34.

25. According to the CFSA, a child is defined as any person under 18; a young person is defined as someone 12 years of age or older but less than 18 years old.

26. This is in contrast to what happens when someone complains about a police officer's conduct. If an investigation is conducted and the complaint is not substantiated, the complainant receives a copy of the report, including the investigation (Police Services Act, 66.(2)). If dissatisfied, complainants are also advised in writing of their right to request that the police board review their complaint (Police Services Act, 63. (2)). No similar procedure exists for a youth who complains about a staff person's conduct at RMYC.

27. Sometimes it is unclear from the youth reports whether the lockdowns involved one or more youth or the extent to which procedures were followed.

28. Leschied (2011a; 2011b), amongst others, has noted the large numbers of youth in the justice system who are diagnosed, or diagnosable, with a mental health disorder; a rate projected to be three and half to four times that of the general population.

29. Juvenile Detention Alternatives Initiative at the Pretrial Justice Institute. (2006). *Juvenile Detention Alternatives Initiative Facility Site Assessment Instrument*. Washington, DC: Annie E. Casey Foundation, 21. Retrieved from <http://www.cclp.org/documents/Conditions/JDAI%20Standards.pdf>

30. Monahan, K. C., Goldweber, A., & Cauffman, E. (2011). The effects of visitation on incarcerated juvenile offenders: How contact with the outside impacts adjustment on the inside. *Law and Human Behavior*, 35, 143-151.

31. This directive regarding providing an "optional" breakfast may cause confusion and may also violate Section 10 of the Youth Justice Services Manual which states, "...three regular meals (breakfast, lunch and dinner) are provided daily of which at least one is hot. If there is an altered routine on the weekend which includes a brunch, a supplementary breakfast must be made available."

32. *Action Plan*, op.cit., 2.

33. Ibid.

34. As well, Section 27 of the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* (more commonly known as "the Beijing Rules") specifically notes that the minimum standards established for adults in the *United Nations Standard Minimum Rules for the Treatment of Prisoners* apply to juveniles as well. Please refer to Appendix E for additional excerpts of national and international rules.

35. U.N. General Assembly, 45th Session. *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* (A/ RES/45/113). 14 December 1990. Retrieved from <http://www.un.org/documents/ga/res/45/a45r113.htm>

36. Ontario Ministry of Children and Youth Services, Roy McMurtry Youth Centre Diversity Subcommittee. (2008). *Report of the Roy McMurtry Diversity Committee*, 1.

37. *McMurtry, (HON), R., & Curling, A. (2008). The Review of the Roots of Youth Violence. (Volume 5: Literature Review)*, 331. Retrieved from the Ontario Ministry of Children and Youth Services website: <http://www.children.gov.on.ca/htdocs/english/documents/topics/youthandthelaw/rootsofyouthviolence-summary.pdf>

38. *Action plan*, op.cit., 2.

39. U.N. General Assembly, 40th Session. *Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")* (A/RES/40/33). 29 December 1985. Retrieved from: <http://www.un.org/documents/ga/res/40/a40r033.htm>

40. Previously, case management services were provided differently to "sentenced" and "detention" youth. Those youth serving a custody sentence received case management services from their assigned probation officer. Young people who did not already have an assigned probation officer (usually those in detention) were expected to receive case management services from staff at the facility. Our experience has been that case management services provided at the facility level have not been as fully developed as those offered by probation services. Occasionally, youth received these services after their discharge back to the community.

41. Ontario Ministry of Children and Youth Services. (2009, May 28). New Youth Custody Facility Opens: McGuinty Government Helping Youth in Conflict. *Ontario Government Newsroom*. Retrieved from: <http://news.ontario.ca/mcrys/en/2009/05/new-youth-custody-facility-opens.html>

42. *Action Plan*, op.cit., 2.

43. Ontario Ministry of Children and Youth Services. (2012). *Youth justice services manual*. (10.0 Food Services) (10.2 Food and Nutrition). Ontario. Ministry of Children and Youth Services.

44. Ontario Ministry of Children and Youth Services. (2012). *Youth justice services manual*. (11.0 Health Care Services) (11.2 Provision of Health Care Services). Ontario. Ministry of Children and Youth Services.

45. *Child Protection Standards in Ontario*, op. cit., 33-34.

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Appendices

Appendix A: Backgrounder—Youth Justice, RMYC and Early Youth Complaints

One area where it is clear that governments and policy makers must respond is youth justice. Canadians see youth crime as an important issue – even at a time when youth crime rates seem to be falling. However, while Canadians want to feel safe and secure in their homes and communities, they also want a youth justice system that does not abandon youth. Our youth justice system must protect society, reinforce social values and also give youth every opportunity to become productive, responsible citizens.

Department of Justice Canada, 2009

In order to fully understand the place held by the Roy McMurtry Youth Centre (RMYC) in the youth justice landscape in the province, it is important to provide a brief sketch of youth justice in Canada and Ontario.

In 1998 the Department of Justice Canada launched the *Youth Justice Renewal Initiative*, in part as a response to criticisms of the *Young Offenders Act*. The objective of this strategy was to protect society by reducing youth crime and by creating an effective youth justice system capable of responding successfully to the range of crimes committed by young people in Canada.

The renewed Canadian youth justice system acknowledged that in order to be effective, youth justice requires a comprehensive approach that integrates child welfare, mental health, and community and court systems. Central to this is the belief that young people have the capacity for rehabilitation and that “rehabilitation is also a key part of society’s responsibility towards young people” (Department of Justice Canada, 2009).

The *Youth Criminal Justice Act (YCJA)* came into force in Canada on April 1, 2003. In November 2003, the Province of Ontario announced that youthful offenders of all ages and all youth justice services would be reassigned to Ontario’s new Ministry of Children and Youth Services. This meant that Part IV of the *Child and Family Services Act* would now regulate all youth justice-related services. The final stage of Ontario’s implementation of the YCJA occurred on April 1, 2009, when all youth being held in custody in units located in adult facilities were moved to dedicated youth justice facilities.

Despite the changes driven by legislation, youth housed in Ontario’s detention centres have complained for many years about peer violence, inadequate basic care, lack of programming and rehabilitation opportunities, and being obstructed from calling the Advocate’s Office.

RMYC opens, followed by youth complaints and the Provincial Advocate’s involvement

Designed and constructed specifically to meet the unique needs of youth who must be detained in custody, the Roy McMurtry Youth Centre is a 192-bed (160 males and 32 females) secure facility that opened in May 2009. At the opening event, the Ontario Government issued the following statement: “The new facility will provide youth with specialized services and programs that will help them make the transition back into their community better-prepared to make the right choices and a positive contribution to society.”

Youth started to arrive at RMYC in small groups by mid July 2009 and a few weeks later the Advocate's Office received the first calls from youth complaining about basic care, safety, peer violence and access to the Advocate's Office.

Over the next few months, despite some changes that resulted in improvements, the calls increased in number and the concerns grew. On July 31, 2009, the Advocate's Office communicated these concerns to the senior management team and the administrator at RMYC. Complaints continued and on September 8, 2009, the Provincial Advocate also notified the Assistant Deputy Minister, Youth Justice Services Division and the Minister of Children and Youth Services about these concerns.

In the fall of 2009, the Advocate's Office began to make weekly visits to RMYC in order to meet individually with all of the youth to advise them of their rights and invite them to share any concerns. The Ministry of Children and Youth Services, the Assistant Deputy Minister of Youth Justice, the Ministry's regional director and the administrator of RMYC were informed of these visits.

During this time, the youth complaints encompassed several areas:

Safety and violence—including staff use of physical restraints, excessive force, searches, lockdowns; frequent “code blue” incidents (emergency calls within RMYC for staff to come for immediate assistance), and peer violence.

Standards of care—including access to basic quality of care, food, warmth

Violations of particular rights—including problems with access to education, families, the Advocate's Office and lawyers

Programming and school—not enough and/or limited access to programming (including spiritual and culturally specific), recreation, and problems with access to school

During the fall of 2009, five youth contacted the Advocate's Office reporting incidents of a serious, violent nature, involving allegations of staff using excessive force and/or failing to protect the safety of youth. The Advocate's Office sent five formal requests for RMYC's internal investigation reports to the Ministry of Children and Youth Services on September 29, October 9, October 30, November 16 and December 7, 2009.

In March 2010 the Advocate's Office issued a report entitled *The Roy McMurtry Youth Centre: A Summary of Advocacy Activities and Issues/August 2009 – February 2010*. The report summarized the nature of concerns brought forward by youth during this period and indicated that the Provincial Advocate intended to conduct a formal review of RMYC in August 2010. The report also noted that apart from receiving minimal information in response, the Advocate's Office had still not received sufficiently-detailed information (such as the internal investigations reports, video footage or RMYC/Ministry communications) to help the Advocate's Office validate or dismiss these allegations.

Appendices

Appendix A continued

Backgrounder—Youth Justice, RMYC and Early Youth Complaints

Ministry issues RMYC Action Plan

Soon after, in March 2010, the Ministry of Children and Youth Services released its *Action Plan: Helping Youth Realize Their Potential at the Roy McMurtry Youth Centre*. The *Action Plan* supports the principles of the federal government's *Youth Justice Renewal Strategy*, stating the following:

- Youth in conflict with the law have very different needs from adults.
- The province's youth justice system is designed to rehabilitate youth while holding them accountable for their actions.
- Studies show that providing youth in conflict with the law with meaningful supports and services, while holding them accountable for their actions, helps to steer them away from crime, make better choices and lessens the likelihood they will reoffend.
- These young people need high quality services and supportive environments to achieve success and make better choices when they leave.
- Staff [at RMYC] are involved in a form of supervision known as “relationship custody” where they enforce rules and procedures as well as coach, mentor, and engage youth in decision making.
- Youth placed [at RMYC] have the opportunity to form positive relationships and benefit from specialized programs that will help them leave their criminal past behind and return to their communities better prepared to make the right choices.

The *Action Plan* conveyed that RMYC sought to “fully implement” Ontario’s vision and goals of the “Relationship Custody” approach focusing on positive staff/youth relationships to enhance safety, rehabilitation and reintegration along with delivering specialized programming in order to help youth realize their potential (For more information, please see the boxes on pages 22-23).

The *Action Plan* also emphasized the importance of ensuring any concerns raised by youth to the Advocate’s Office would be addressed in a timely manner and it supported the concept of RMYC holding regular meetings with the Advocate’s Office to address concerns about safety and living conditions. The *Action Plan* placed particular emphasis on providing RMYC with the required resources to ensure the relationship custody approach was fully implemented, appropriate programming was provided and community partners were engaged in order to “develop linkages with experts and community organizations for both programs delivered at the Centre or available to youth when they return to their communities.” The *Action Plan* also noted the fact that 40 percent of youth admitted to RMYC are there for less than a week and confirmed a plan to establish a partnership action committee to help youth incarcerated for short stays.

As well, in the spring of 2010, RMYC reduced its bed capacity by 32 youth and on April 1, 2010, began to transfer RMYC youth to other facilities (Arrel, Sprucedale or Peninsula). In June 2010, RMYC also began redirecting all youth attending the Metro West Etobicoke Courthouse in Toronto to the three facilities listed above. The senior management team at RMYC described these transfers as “supporting the operational needs of the facility.” The unit closures were initially scheduled to last until the end of October 2010. RMYC was short staffed at the time and was also in the process of hiring significant numbers of staff. Staff training and establishing new assessment units were part of the operational changes that took place during the reduction in bed capacity. The transferred youth and those from the Metro West Courthouse began re-entering RMYC from November 15 2010, to the end of January 2011.

Advocate’s Office postpones Review to give RMYC time for changes

To give RMYC sufficient time to implement the changes and the new measures outlined in the *Action Plan*, the Advocate’s Office moved the date for its formal Review from August 2010 to March 2011. Advocates officially began meeting with youth at RMYC on March 14, 2011.

Appendices

Appendix B: 2011 Review—Process and Methodology

What is a Review?

In response to a request, a complaint, or on its own initiative, the Provincial Advocate acts on behalf of the concerns of individuals or groups of children and youth and can undertake reviews, make recommendations and provide advice to governments, facilities, systems, agencies or service providers. During a review, the Advocate’s Office gathers and assesses information in order to advocate on behalf of a group of children and/or youth who are in similar circumstances. The Provincial Advocate’s 2011 Review of RMYC is known as a systemic review. Reviews are permitted under the terms of the *Provincial Advocate for Children and Youth Act, 2007*, and as specified by this legislation, can occur at any time.

Terms of Reference

The Provincial Advocate’s decision to conduct a review of the Roy McMurtry Youth Centre was based on complaints and concerns received from youth at RMYC shortly after its opening and following two Ministry of Children and Youth Services reports: *Action Plan: Helping Youth Realize Their Potential at the Roy McMurtry Youth Centre*, issued in March 2010; and its follow-up, *RMYC Action Plan Achievements April 1, 2010 – Oct. 31, 2010*.

Protocol

The Provincial Advocate for Children and Youth Act, 2007, states that when the Advocate plans to carry out a systemic review, “the Advocate shall advise the Minister or the administrative head of the Ministry, agency, service

provider or other entity that is to be affected of the intention to conduct the review.” Written notification of the review was provided to the Ministry of Children and Youth Services on March 3, 2011.

Scheduling and other logistical preparations for the review were arranged jointly with the senior management at RMYC during meetings held in January, February and early March of 2011. RMYC was asked to provide a list of programs currently being offered and for information regarding progress in the achievement of the action items listed as “New Measures” in the March 2010 *Action Plan: Helping Youth Realize Their Potential at the Roy McMurtry Youth Centre*. During a systemic review, it is customary for the institution/agency to make a presentation to the Advocate’s Office on its programs, services and routines, which RMYC provided on June 14, 2011.

The Advocate’s Office requested that the Ministry provide information (via the Information Sharing Protocol between the Ministry and the Provincial Advocate’s Office) regarding RMYC, including: Ministry of Children and Youth Services *Youth Justice Services Manual*; Ministry documents relating to the implementation of a “Relationship Custody” approach to staff-youth relations at Ontario youth justice facilities; information on code blue alerts; staff-youth ratio; teacher-pupil ratio; all information provided to youth during the intake process; policies regarding the use of phones; policies regarding family visits and access to family; daily population counts and youth demographics for the period of the Review; per diem costs (costs per youth, per day to reside at RMYC); annualized budget; weekly menus; and information regarding programming.

Methodology

The RMYC Review was based on an extensive youth questionnaire (available on request) comprised of 103 questions on basic care, safety, rights, and programming.

Mulvey, Schubert and Odgers (2010) provide evidence in their report, *A Method for Measuring Organizational Functioning in Juvenile Justice Facilities Using Resident Ratings* that, “juvenile offenders can provide reliable and internally consistent ratings regarding several dimensions of an institution’s environment” (p. 1270). In a 2000-2003 study involving 1,354 youth offenders, ages 14-17, the authors gathered feedback on eight dimensions of organizational functioning: safety, institutional order, harshness, caring adults, fairness, antisocial peers, services and re-entry planning. They concluded:

[The dimensions examined] form a set that has grounding in previous works by those invested in improving institutional settings for youth. These findings are promising for policy makers and researchers alike, as they provide evidence that this set of theoretically and practically important dimensions can be measured, and therefore monitored, with some confidence (p. 1270).

These dimensions are compatible with many of the areas that have been identified as significant by the youth at RMYC in 2009 and/or 2010 and were reflected in the questionnaire developed by the Advocate’s Office. The questionnaire was also designed to draw attention to the areas within

the above terms of reference and scope of the review. We also examined questionnaires from previous reviews and received significant input from youth with similar “lived experience” to the young people at RMYC. A final draft was submitted for input and refinement to the Research and Quality Assurance Department at the Advocate’s Office.

In teams of two, Advocates visited RMYC on March 14, 16, 17, 18, 21, 23, 24 and April 9, 2011. A total of 93 youth were contacted during the period of the Review and each one was asked individually if they wished to participate. Participation was voluntary; young people were informed that a report would be written, and they were assured that nothing they said during the interview would identify them in any way at the facility or in the final report.

75 youth (80.6%) agreed to participate and 18 youth (19.3%) declined. Five of the youth who declined also acknowledged they had met with Advocates at RMYC in 2009 and/or 2010 and, in their view, “nothing has changed.” All five youth said [as a result of the lack of real change at RMYC], they did not see value in meeting with the Advocate’s Office.

After the first day of interviews, feedback from staff conducting the youth interviews resulted in minor wording changes to some of the questions in the interview protocol.

Appendices

Appendix C: Food Services—Youth Justice Services Manual

Written policies and procedures governing food and nutrition minimally include the following requirements:

- meals are varied, nutritionally balanced, and planned according to the requirements of the current Canada's Food Guide.
- portions must be adequate for the physical growth and development of young persons, as detailed in the requirements of the current Canada's Food Guide.
- deprivation of food is strictly prohibited. Special diets or food restrictions for disciplinary purposes are not permitted under any circumstances.
- food must not be used to bribe, punish, reward or coax.
- food may be used as an element of a program when it does not replace a regular meal.
- three regular meals (breakfast, lunch and dinner) are provided daily of which at least one is hot. If there is an altered routine on the weekend which includes a brunch, a supplementary breakfast must be made available.
- meals are to be served at set times daily.
- meals are not to be served more than 14 hours apart unless a supplementary meal is made available for those youth who want one.
- meals are to be a time for conversation and group interaction with staff and young persons are encouraged to practice positive social behaviour skills at meal times.
- altered portions (e.g. more or fewer calories; second servings) will be provided to individual young persons who request them. As necessary, the service provider will work with the young person, dietitian, parent/guardian, or health care professional to address an ongoing need for altered portions.
- the provision of food between meals, as appropriate for, or applicable to the individual needs of young persons, such as age, developmental stage, activity level and health.
- menus reflect the cultural diversity of the young persons in the facility.
- mechanisms to support the preparation of traditional and cultural foods and/or celebrations involving food.
- young persons are provided with opportunities to participate in menu and meal planning, as appropriate.

- provisions are made for special dietary requirements and modified meal schedules, including:
 - medical diets, as recommended by a health care practitioner (e.g. diabetic, food allergies).
 - religious diets identified by the young person or his/her parent/guardian or chaplain/faith leader, including fasts of recognized faith groups.
 - lifestyle diets (e.g. lacto-ovo, vegetarian, vegan).
 - other unique dietary needs, as indicated in the young person's case management plan.
 - special dietary requirements, modified meals and/or unique dietary needs are documented in the young person's file.
- weekly menus are posted where they can be clearly seen by young persons and staff.
- changes to the menu are indicated when they are made, where possible.
- all menus (regular and modified) are retained for at least thirty days after the last day for which they are applicable.
- provision of nutrition education appropriate to the young person's age, gender, and level of understanding, including:
 - proper nutrition, including the requirements of the current Canada's Food Guide.
 - information about food handling and preparation.
 - information about eating behaviours (e.g. healthy eating habits, eating disorders).
- provision of a full meal for young persons who are absent during the day (e.g. at court) when they return to the facility.⁴³

Appendices

*Appendix D: Health Care Services—*Youth Justice Services Manual**

Written policies and procedures governing the provision of health care to young persons are in place and minimally include:

- young persons in custody/detention have the right to receive medical and dental care in accordance with the *Child and Family Services Act*.
- services shall be provided by qualified health care practitioners adhering to professional standards and ethical codes.
- an outline of young persons' ability to access health care programs and services in the community and in the facility.
- provision of specialized services for young persons with developmental or physical disabilities.
- health care services shall be appropriate to the age, gender, and health needs of the young person.
- provision for a Physician or Nurse Practitioner and Dentist to advise the service provider on an ongoing basis about the medical and dental care required by the young persons in the facility.

- procedures for the examination and/or treatment of young persons by a qualified health care practitioner upon admission to the custody/detention facility.
- procedures for the assessment and monitoring of a young person's health status by a qualified health care practitioner(s) whenever unusual situations occur (e.g. hunger strike, under the influence of a substance).
- provision of annual assessments of health, vision, dental and hearing conditions of young persons by qualified health care practitioners.
- procedures for accompanying a young person to scheduled medical appointments, as appropriate, including:
 - attendance by staff or notifying the young person's parent/legal guardian of such appointments.
 - accompaniment into the examination room must be in accordance with the young person's wishes, unless the young person's legal status (e.g. custody/detention) requires staff presence. Staff presence may also be required for security measures.

- documentation of attendance, or the reasons for not attending, and other pertinent information (e.g. treatment and diagnosis) in the health care section of the young person's file.
- procedures governing a young person's emergency admission to a hospital, including:
 - contacting the hospital to provide relevant contact and medication information and obtain time of anticipated discharge.
 - notification of the young person's parent/legal guardian of the hospital admission.
 - documentation of attendance, or the reason for not attending, and other pertinent information (e.g. treatment and diagnosis) in the health care section of the young person's file.
- provision of health education appropriate to the young person's age, gender, and level of understanding, including:
 - advising the young person about the dangers of mixing medication(s) with other medications, substances, or non-prescription medications, including herbal remedies.
 - the importance of consulting a health care practitioner when mixing various prescription and non-prescription medications.
 - education to reduce and manage the potential acquisition and spread of sexually transmitted diseases.
 - education to assist young persons to adjust to a smoke free environment and to refrain from smoking upon their release into the community.
- identification of persons responsible for fully explaining any proposed medical or dental treatment to the young person in language suitable to their age and understanding implementation of procedures recommended by a health care professional for the prevention and control of infection or disease and other health-related matters.⁴⁴

Appendices

Appendix E:

Rehabilitation and Reintegration— Provincial, National and International Rules

Child Protection Standards in Ontario, February 2007⁴⁵ for protection workers conducting investigations at institutions include a mandatory requirement that all relevant children and staff are to be interviewed:

Steps in an Institutional Investigation

An institutional investigation includes the following investigation steps:

1. interviews with the alleged victim(s), staff witnesses (current and former), child witnesses, facility administrator, supervisor of the alleged perpetrator and the alleged perpetrator.*
2. examination of the physical layout of the setting.*
3. examination of facility files and logs such as:
 - daily logs on the activities of children.
 - a log on medications administered.
 - a record of restraints and serious occurrences.
 - an individual file on each child.
4. examination of information about the alleged victim(s), which may include the following:
 - characteristics of the victim(s) including their primary language and problems which might affect their ability to be interviewed (e.g., deafness, speech difficulties).
 - length of stay in setting.

- prior allegations of abuse in any setting.
- prior allegations of abuse related to the current incident, perpetrator or setting.
- prior abuse or exposure to abuse in another setting.
- child's relationship to and feelings for the alleged perpetrator.
- any other information relevant to the investigation.

5. examination of facility policy and procedures, staffing level and shift patterns, staff training and qualifications, daily routine, programming.
6. examination of records to determine if there have been allegations of abuse in the past connected with the setting.

The child protection worker completes as many steps as are required until:

- the allegations of child abuse or neglect can be clearly verified or ruled out without recourse to one or more of these additional steps, and
- the absence of immediate safety threats and longer-term risk factors can be clearly established, or
- all reasonable efforts have been made to collect evidence and continuing the investigation would yield no new information.

* The first two steps in institutional investigations are always completed.

Appendix E: *Youth Criminal Justice Act - S.C. 2002, c. 1 (Section 3)*

DECLARATION OF PRINCIPLE

Policy for Canada with respect to young persons

3. (1) The following principles apply in this Act:

(a) the youth criminal justice system is intended to

(i) prevent crime by addressing the circumstances underlying a young person's offending behaviour;

(ii) rehabilitate young persons who commit offences and reintegrate them into society, and

(iii) ensure that a young person is subject to meaningful consequences for his or her offence in order to promote the long-term protection of the public;

(b) the criminal justice system for young persons must be separate from that of adults and emphasize the following:

(i) rehabilitation and reintegration,

(ii) fair and proportionate accountability that is consistent with the greater dependency of young persons and their reduced level of maturity,

(iii) enhanced procedural protection to ensure that young persons are treated fairly and that their rights, including their right to privacy, are protected,

(iv) timely intervention that reinforces the link between the offending behaviour and its consequences, and

(v) the promptness and speed with which persons responsible for enforcing this Act must act, given young persons' perception of time;

(c) within the limits of fair and proportionate accountability, the measures taken against young persons who commit offences should:

(i) reinforce respect for societal values,

(ii) encourage the repair of harm done to victims and the community,

(iii) be meaningful for the individual young person given his or her needs and level of development and, where appropriate, involve the parents, the extended family, the community and social or other agencies in the young person's rehabilitation and reintegration, and

(iv) respect gender, ethnic, cultural and linguistic differences and respond to the needs of aboriginal young persons and of young persons with special requirements; and

Appendices

Appendix E continued

Youth Criminal Justice Act - S.C. 2002, c. 1 (Section 3)

(d) special considerations apply in respect of proceedings against young persons and, in particular,

- (i) young persons have rights and freedoms in their own right, such as a right to be heard in the course of and to participate in the processes, other than the decision to prosecute, that lead to decisions that affect them, and young persons have special guarantees of their rights and freedoms,
- (ii) victims should be treated with courtesy, compassion and respect for their dignity and privacy and should suffer the minimum degree of inconvenience as a result of their involvement with the youth criminal justice system,
- (iii) victims should be provided with information about the proceedings and given an opportunity to participate and be heard, and
- (iv) parents should be informed of measures or proceedings involving their children and encouraged to support them in addressing their offending behaviour.

PART 5 CUSTODY AND SUPERVISION

83. (1) The purpose of the youth custody and supervision system is to contribute to the protection of society by

- (a) carrying out sentences imposed by courts through the safe, fair and humane custody and supervision of young persons; and

- (b) assisting young persons to be rehabilitated and reintegrated into the community as law-abiding citizens, by providing effective programs to young persons in custody and while under supervision in the community.

Principles to be used

(2) In addition to the principles set out in section 3, the following principles are to be used in achieving that purpose:

- (a) that the least restrictive measures consistent with the protection of the public, of personnel working with young persons and of young persons be used;
- (b) that young persons sentenced to custody retain the rights of other young persons, except the rights that are necessarily removed or restricted as a consequence of a sentence under this Act or another Act of Parliament;
- (c) that the youth custody and supervision system facilitate the involvement of the families of young persons and members of the public;
- (d) that custody and supervision decisions be made in a forthright, fair and timely manner, and that young persons have access to an effective review procedure; and
- (e) that placements of young persons where they are treated as adults not disadvantage them with respect to their eligibility for and conditions of release.

Appendix E:

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)

13. Detention pending trial

13.5 While in custody, juveniles shall receive care, protection and all necessary individual assistance-social, educational, vocational, psychological, medical and physical-that they may require in view of their age, sex and personality.

Part five

INSTITUTIONAL TREATMENT

26. Objectives of institutional treatment

26.1 The objective of training and treatment of juveniles placed in institutions is to provide care, protection, education and vocational skills, with a view to assisting them to assume socially constructive and productive roles in society.

26.2 Juveniles in institutions shall receive care, protection and all necessary assistance-social, educational, vocational, psychological, medical and physical-that they may require because of their age, sex, and personality and in the interest of their wholesome development.

26.6 Inter-ministerial and inter-departmental co-operation shall be fostered for the purpose of providing adequate academic or, as appropriate, vocational training to institutionalized juveniles, with a view to ensuring that they do not leave the institution at an educational disadvantage.

27. Application of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations

27.1 The Standard Minimum Rules for the Treatment of Prisoners and related recommendations shall be applicable as far as relevant to the treatment of juvenile offenders in institutions, including those in detention pending adjudication.

27.2 Efforts shall be made to implement the relevant principles laid down in the Standard Minimum Rules for the Treatment of Prisoners to the largest possible extent so as to meet the varying needs of juveniles specific to their age, sex and personality.

United Nations Standard Minimum Rules for the Treatment Of Prisoners Treatment

65. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

66. (1) To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.

Appendices

Appendix E continued

United Nations Standard Minimum Rules for the Treatment Of Prisoners

Education and recreation

77. (1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.

(2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

78. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

Social relations and after-care

79. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.

80. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

81. (1) Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate

and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

(2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.

(3) It is desirable that the activities of such agencies shall be centralized or co-ordinated as far as possible in order to secure the best use of their efforts.

United Nations Rules for the Protection of Juveniles Deprived of their Liberty

N. Return to the community

79. All juveniles should benefit from arrangements designed to assist them in returning to society, family life, education or employment after release. Procedures, including early release, and special courses should be devised to this end.

80. Competent authorities should provide or ensure services to assist juveniles in re-establishing themselves in society and to lessen prejudice against such juveniles. These services should ensure, to the extent possible, that the juvenile is provided with suitable residence, employment, clothing, and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration. The representatives of agencies providing such services should be consulted and should have access to juveniles while detained, with a view to assisting them in their return to the community.



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